

THE  
SWAMP OF DEATH:

OR,  
THE BENWELL MURDER.



BIRCHALL.



BENWELL.

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SWAMP OF DEATH

OR,

THE BENWELL MURDER.



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CHAPTER I.

REX BIRCHALL AND HIS FRIENDS.

'I say, you fellows, don't be in such a deuce of a hurry! It isn't twelve o'clock yet and I've lost forty pounds! Sit down again and have another try, for luck.'

'No, Rex, my boy. I for one can't, possibly. I said I'd play till eleven-thirty and then leave. I told you I had an engagement. Dudley and Crummy can stay on if they choose.'

The speaker, a tall, muscular young Englishman with a drooping sandy mustache and close cropped reddish-brown hair, arose from his seat beside a green-covered table, at which he and three others had been playing cards, and stretching his long arms away above his head, yawned prodigiously, and with slow indolent motions reached for his coat and hat and very deliberately put them on.

Let the engagement go, Charteris,' said Philip Dudley, who had also arisen, but stood, looking reluctant to leave, still holding the pack of cards, shuffling them absently in

his long, slender, white hands. 'Those crushes at the Arnolds' are horrible bores, and though Sir Godfrey made a point of our going he'd never miss us. Sit down again, Lucky, and give Rex a chance to retrieve his losses.'

'No, thanks. I promised and I'm going. But don't let me interfere with you, Dudley. I'll let you off and invent a good excuse for you—a cold or the measles, or something equally fetching.'

'Phil, you are forgetting the fact that Miss Clifford is at Cedarhurst,' said Rex Birchall, laughing up goodhumoredly into the face of Lucky Charteris, who stood awkwardly looking down at his boots and reddening angrily. 'No blushes and no apologies required, old man. We all know how 'tis. I'll make you suffer for to-night's winnings some other time.'

'Any time you choose,' said Charteris, trying not to hurry his ordinary leisurely gait as he made for the door, and yet anxious to escape any further reference to Miss Clifford.

'Hold on,' said the fourth young man, who had not yet spoken, 'I'm going with you, Charteris, I—I have to. I've an en—engagement, too.'

This apparently innocent remark was greeted with a roar of laughter from the others, and Algernon Davidson, otherwise known as 'Crummy,' sank back in his chair in a state of collapse.

'Oh, Crummy, you'll be the death of some one some day, you're so funny,' said Rex Birchall, tilting back in his chair till its hind legs cracked warningly. 'The idea of Crummy having an en—engagement!'

At this moment hurrying footsteps and rollicking voices were heard in the outer room, and as Charteris opened the door to depart two young men entered, both evidently in an advanced state of hilarity.

Charteris nodded to the foremost, Jerry Donovan, next to Rex Birchall perhaps the most widely known man

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among Oxford sports, certainly the most notorious in Lincoln College. At Jerry's companion Charteris took a long, hard look and then held out his hand:

'Why, Clifford, I did not expect to see you here. Why are you not down at the Arnolds'?'

'I'm ill in bed. I met Em at the station and took her down there and stayed for dinner and they excused me, I had such a confounded headache. Are you going down? You won't mention—'

'Do you take me for a cat? But see here, Clifford,' Charteris said, drawing away toward the outer door and lowering his voice, 'I think you'd do well to go home and nurse that headache. I don't want to preach, but your father asked me to keep an eye on you, and if you're not preparing to go the pace your looks deceive me. I advise you to come away with me now, and leave those fellows to pluck some other gosling.'

Donovan had entered the inner room and his boisterous greeting of his friends drowned the voices of the two outside—Charteris persuading and Clifford demurring. The latter was reluctantly and with a sullen, ill-tempered air about to accompany his mentor when Rex Birchall's voice was heard calling:

'Say, Cliff, confound you, shut that door—and stay on the outside of it if you know what's good for you.' Then turning around he saw that Charteris was still there and added, 'That's right, Lucky, toddle the youngster off home, give him his feeding bottle and put him to bed. It's too late for brats to be abroad.'

'Come along, Clifford,' said Charteris, kindly, seeing the flush of shame dye the lad's face crimson. 'Don't mind their chaff.'

'I'm not going,' said Clifford, sullenly. 'I came to play cards and I'm going to stay. You may as well go, for if you stay all night you won't get me away.'

'Good night then,' said Charteris, shrugging his broad shoulders and sauntering off.



'Didn't it let its nursey take it home, a 'tittle dear,' said Dudley, sneeringly.

'Look here, Phil, let up on it. I'll punch your head if you torment the youngster,' said Birchall. 'It's bad enough for me to do it, but when you take a hand in its abominable. You should have gone with Lucky, Cliff. You aren't strong enough to stand this sort of thing and you're too young. I hate to see a boy wading into deep water before he learns to swim. Take my advice and cut the whole lot of us. And especially give Rex Birchall a wide berth.'

The speaker looked up into the flushed face of the boy with a winning, softened look in his large dark eyes that were generally so alert and merry. He noted the waxen look of the skin beneath the crimson, the swollen veins of the narrow forehead, the puffiness below the eyes, and the dullness of the eyes themselves, and a generous impulse to save the lad gave his voice the ring of sincerity which it generally lacked.

'Drop the moral and let's play,' said Dudley, still restlessly toying with the cards. 'Have a hand, Jerry?'

'I'm with you,' said Jerry. 'You'll play, Clifford?'

'No he won't,' said Birchall. 'He has no luck at loo. Even Crummy can get away with him, and I'm going to play for blood to-night. I have to raise a hundred somehow by to-morrow and Charteris has cleaned me out. Sit down and look on, young one, and I'll give you some pointers.'

'Here Clifford,' said Davidson, rising hurriedly, 'take my place. I—I can't play any more. I—I've got a too—toothache.'

'Sit down,' shouted Birchall, rising, and lifting up his chair he poised it dangerously close to Crummy Davidson's well-oiled head. 'Sit down or you'll get hurt. Do you think I'm going to be balked of my prey?'

'I'll take his hand, Rex. I'd rather play,' said Clifford, sliding into Davidson's seat.

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'Well, it's no use trying to save you,' said Birchall, laughing good-humoredly, and replacing his chair on the floor. 'What's the extent of your finaces? Have you a hundred to lose? Ah, you have, hey?' as Clifford drew out of his pocket and exhibited a handful of notes and gold. 'Well, Crummy, order up something wet and we'll drink to its successful transference from your pocket to mine. Dudley, you've shuffled your luck to blazes. Cut for deal, boys. Well done! Hand over the cigars, Crummy, and then get out like a good fellow. We want no audience here. Tell Martin the Black and Tans are in secret session and there's no admittance to-night. D'ye understand?'

Corks popped, glasses clinked, cigars were lighted, the cards were dealt, a little desultory conversation went on until Davidson had closed the door behind him with the spring set, and then silence fell and the four men began to play as though their lives depended upon the taking of the tricks.

And as they sat there, a strangely diverse group, a description of their outward appearance may help the reader to guess at their inner characteristics.

Jerry Donovan's was the only decidedly ugly face among the four.

He had a massive projecting chin and a smooth retreating forehead, from which dark brown hair had already begun to thin. His nose was large but blunt, his cheeks full and flabby, and his little, bright, twinkling eyes were almost lost in creases of ruddy skin, they were so deep set between his beetling brows and rounding cheeks. He had a wide, clean-cut mouth, with lips that were not too full and the whitest, strongest and evenest set of teeth in the three kingdoms.

A stranger having Jerry Donovan pointed out to him as one of the most popular of 'our fellows,' would look in disgusted astonishment at the ugly, nondescript, contradictory physiognomy of the big Irishman, but when

his lips would part and his white teeth shine out and his rollicking, laughing eyes would twinkle and beam upon him he would no longer wonder how it was that Jerry held such an influence over his friends.

Next to Jerry sat Walter Clifford, a tall, slender lad with narrow sloping shoulders, a high forehead with hollows in the blue-veined temples, a sharp, well-shaped nose, dark grey eyes with an uneasy, haunted expression, and a thin lipped, sensitive mouth and weak, retreating chin. His hair was brown and fine, lying close to his well shaped head, and his complexion was naturally pale and clear though now incarnadined.

There was no appearance of the coming of mustache or beard, and taken altogether—his scrupulously neat dress, his white hands, his look of dissipation and delicacy—a stranger would put him down as a refined youth of about eighteen whom untoward circumstances was driving to the devil and an early grave.

Next to Clifford sat Philip Dudley, the dark-eyed darling of Oxford society—a man so handsome that nowhere could he pass unnoticed. He had the inimitable air of melancholy, of romance, the Don Juan like look which is so deeply interesting to impressionable minds—that made women first admire, then study him, then desire to do him good and last of all that made them love him.

It was not only that he had the dark, creamy tint of skin that painters give to idealized Italians, the dark hair with its one wavy lock that would fall caressingly down upon the sculptured whiteness of his brow, the full, red lips that straightened or curved or contracted with every passing thought, the oval turning of cheek and chin, the dark outline of silky mustache, that was not allowed to droop and so hide the perfect beauty of the mouth—no, all those were charms, but in the eyes lay his chief power—dark, impenetrable eyes with golden iris and whites whose blueish tint was flecked with faintest

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specks of yellow. The eyes were full and heavy-lidded, with long, 'black' curling lashes that veiled and softened and added a mysterious beauty to the eyes they shaded.

Straight brows of ebon blackness almost met above the bridge of his large, aristocratic nose and made his direct, unsmiling gaze sinister in no small degree.

He affected the Byronic as to collar, his neck being always loosely girt; and dark blue clothing with carelessly tied red scarf, was his normal attire. He smiled but seldom, and when he did there seemed to lurk in it the suspicion of a sneer. His expression was generally dreamy, far-away, still, but his long, slender hands with their well-kept nails, were ever restless, nervous, never free from motion.

Reginald Birchall was the only one of the party who seemed really happy. He smoked away industriously, keeping his cigar alight even at the most exciting stages of the game, threw down his cards with an air of unconcern, slid his body away down in his chair till his head rested on the back of it in a way to suggest strangulation, but which he seemed to consider comfortable. His coat was unbuttoned, displaying a dark velvet waistcoat of fanciful pattern, one leg was stretched out and curled around the lower bar of Dudley's chair, and at every fresh deal of the cards his face would display a whole set of new expressions, but not one of them indicated ill-temper, chagrin or discouragement.

He was not a large man—being not above medium height—was well-made, muscular, with well-shaped hands and feet; his complexion was dark with bright, fresh coloring: a dark mustache shaded a mouth that was ever smiling, lending the countenance its good-humored, careless look. There was nothing remarkable in his sharp, clear-cut features or his close-cropped head, he was merely a good-looking, lively fellow with a pair of fine, full, vivacious eyes—he was always alert, bright, and above all, jovial. He was too quick and reckless in

his motions to be graceful, his walk was peculiar, almost awkward, and his manner of dressing did not denote that refinement of taste that might have been expected from his upbringing. He never seemed to strive to win approval, never sought openly for anybody's friendship or favor, and yet he had hosts of friends who willingly aided him to spend his money, took part with him in all his wild, mad pranks, and would do anything to help him to escape the consequences of his misdeeds.

The luck in their game had at first been fluctuating, but at length set steadily in Birchell's direction and he won continuously. Fickle fortune smiled not at all on Clifford, she cold-shouldered him completely, and he lost with a persistent regularity that drove him almost to desperation. The four showed their interest in characteristic ways—Birchell looked elated; Jerry Donovan's face was drawn down into an expression of ludicrous gravity; Dudley's eyebrows met above his sombre eyes in one straight line, and the corners of his mouth looked ferocious; while Clifford's mild, grey eyes looked woefully frightened, his face grew white and haggard, and his dry lips trembled.

Dudley had dealt the cards and Birchall was examining his hand when suddenly through a speaking tube came a low whistle, and laying down his cards Birchall sprang toward the tube, and giving an answering call, bent down his ear and listened.

'Boys,' he said, going back to the table, 'Martin says we'd better get out the back way, for the police are after us, as well as he can make out.'

Deftly, as he was speaking, he had loosened a hook that held one corner of the green cover, and in a second had unfastened the sides, and rolling it up, cards, stakes and all, he held it firmly under one arm, while, with his disengaged hand, he reached for his light drab dust coat and hat.

The others had been equally expeditious, and had donned their out-of-door clothing.

'Lead the way Dudley, while I put out the lights and raise a window. Before they force the door the smoke will have a chance to clear a bit. It's a beastly bore to be disturbed before that hand was played! There, stupid, don't kick over all the furniture!' Rex ejaculated, as Clifford stumbled and overturned a chair in his hasty progress towards the inner room.

Birchall, in total darkness, followed his friends with cat-like ease into the next room, fitted up as a sleeping apartment, and crossing to the far end, entered the open door of a large, old-fashioned wardrobe, through which the others had preceded him, and closing it after him fastened it with a catch. Clifford, groping his way in fear and trembling, was just ahead, and Birchall, speaking an encouraging word, placed his hand on the lad's shoulder protectingly.

Dudley had opened a sliding panel, ingeniously hidden in the back of the wardrobe, and this gave access to a door leading to a steep and narrow stair, and a passage below that ended in an outer door.

'All right below?' whispered Birchall, who after fastening the door had squeezed down the stairway side by side with Clifford.

'Yes,' and 'We're here,' came from Dudley and Jerry. 'Stand by then while I unlock the door,' said Rex; then turning to Clifford he whispered, 'Now, Cliff, if any one is outside watching for us we three will engage their attention while you take leg-bail for home at your best gait. Now boys, ready!'

He unlocked the door noiselessly, and the three, bunched together, stepped outside into a dark arched-in lane, Clifford hanging back.

In a moment they were surrounded, and after a sharp though silent struggle, were overpowered, and a gruff voice said:

'Reginald Birchall, you are my prisoner!'

Walter Clifford waited to see no more, but keeping close to the wall, sped off in the darkness and escaped.

## CHAPTER II.

## 'MY FATHER'S NAME WAS BENWELL.'

The waning moon was shining down with subdued radiance, a soft, chastened light like the memory of past joys, and fell with tenderest touch, through the delicate tracery of leaf and vine, upon the young couple who sauntered along the paths of Sir Godfrey Arnold's garden.

The Hon. Brian Charteris, second son of the Earl of Ellisbrook, called Lucky by his fellows, seemed at this moment to think he deserved the title, judging by the look of intense satisfaction he concentrated upon his companion.

And she was well worth looking at in her sweet young loveliness, and the boundless love expressed in her glances at Brian ought certainly to have satisfied the most rapacious of lovers.

'Brian,' she said, with a happy thrill in her voice, 'isn't this a lovely world? and isn't this the sweetest old garden in it?'

'Yes, when you are here,' he answered fondly.

'Brian,' said she, with a delightful little gesture of snuggling up closely to his side, 'is it not lovely to slip away and be alone?'

'It is simply adorable,' was his reply, his voice losing something of its customary indifferent drawl, his eyes looking devotion into hers, and his hand closing over her little white hand that rested on his coat-sleeve.

'I thought you would never come,' she said, her tone reproachful. 'I kept watching the door all the evening, and half the time did not hear the pretty things that were being said to me. And when I was dancing I posi-

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tively rushed when I was at the far end of the room for fear I should miss the first sight of you when you entered.'

'I'm awfully afraid Miss Emma Clifford is making fun of her most humble servant,' said Charteris, pensively. 'It is not considered fair to use edged weapons on an unarmed man.'

'But I was looking for you most anxiously. I was, truly, without sarcasm or exaggeration. What kept you so late? In your note you said half-past eleven, and now it is almost one.'

'I had hard work to get away when I did. I had an engagement to play cards with some fellows before I knew you would be here, and though I told them I would have to leave early they kept me till the last minute. You see, Emma,' he said, with a consciousness that he was treading on dangerous ground, 'I had the misfortune to win and it looked shabby to leave abruptly and a winner.'

'You were gambling?'

'Gambling? Well, yes, if you wish to call a little mild play so. It was down at some private rooms the fellows keep up—for billiards and cards and that.'

'Did you win much?'

'About sixty, I believe. I am not sure.'

'Sixty what?'

'Oh, pounds—pounds, of course. That isn't very much, is it?'

'It may not seem so to you with your large income, Brian Charteris, but what might the loss of it mean to some poor students?' said Miss Clifford, indignantly. 'Why, if Walter lost that much it would simply mean ruin, and papa would never forgive him. Do you know that papa only allows him twenty pounds a quarter outside of his necessary expenses. I hope you do not encourage Walter to gamble, for that is the one unpardonable vice in papa's estimation.'

'Now, dearest, would I be likely to do such a thing?'

'I don't know. Yes, I dare say you would. You do it yourself; you gamble and make friends of gamblers, and if it is well for you surely it must be for him.'

'Now is that reasonable, Emma? Do you compare me to a lad away from home for the first time in his life? Do you think I am as little able to take care of myself as he? My dear, you must see that what I might do with safety would be perilous for him, young and weak and untried as he is.'

'I don't think it is safe or wise or right for any one to gamble,' said Emma, vehemently. 'I think it is wicked. I am so grieved, Brian. I thought you so high above everything of the kind. I did think you would take care of Walter and keep him out of dangerous paths instead of leading him astray by your example.'

'You are not crying, Emma?' asked Brian, trying to look into the dark, pretty face that was studiously averted from him. 'Surely a trifling misdeed like this is not good cause for tears. You make me feel my unworthiness of you very deeply when such a little thing will wound you so.'

'Is it foolish to think so much of you that it hurts me to have my opinion of you lowered? Is it wonderful that I weep when I think of the temptations and dangers that surround poor Walter?'

'How much you love that young cub!' said Charteris, enviously.

'Yes, I do love him, dearly, and pity him, oh, so much. If you knew how hard his father is to him, how harsh and unsympathetic, you would be sorry for him, too. He is so kind, so generous to me, who am no kin to him, but to Walter he has always been so unjust, so tyrannical.'

'But, Emma, I don't understand. Are you not Mr. Clifford's daughter?'

'No, Brian, no relation at all. I am his wife's child by her first husband. My father's name was Benwell.'

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'Benwell ! Ben—well. Um. The name sounds strangely familiar. It seems to me I know something about some Benwells. I wonder what it is !'

'I cannot help you. I know nothing of my father's people. I was a babe when my father died, and less than two years old when mother married Mr. Clifford. My earliest, tenderest recollections are of Mr. Clifford's devoted love for me. He was so good to me, but to Walter he was always cold and repellent. Some men ought never to have sons, they are so cruel to them. Mother has been an invalid all her life, and so I have had to take her place, as Walter's protector, and I stand by him always—right or wrong. I am afraid I only encourage him in harm—I only help him to deceive his father and supply him with money to pay his debts. He is so weak and wasteful, so easily led astray. I wish you would help me to watch over him, Brian.'

'I have had my eye on him. I don't think he will come to much harm outside of getting into debt, and here I can help him easily.'

'But that is the one kind of help I will not have you tender, dear. I want you to promise faithfully that you will not lend him or give him money,' Miss Clifford said, impressively.

'That is nonsense, Emma. I won't be prohibited in any such manner. Every fellow gets short at times and I come to the rescue of some of them occasionally who intrinsically could buy and sell me over and over. He may never apply to me, but if he does you had better leave me unrestricted. You may be sure I won't let him cripple me,' he said, smiling.

'It is not that. I don't mind your purse suffering, but Walter gave me his word long ago that he would never borrow from any one but me. And again to-day he renewed the promise. He had got into debt, he told me, but I had enough money to give him to tide him over for a week or two till his allowance comes. He has al-

ways confided all his difficulties to me frankly, and so long as he does this I feel quite sure he will come to no harm, but if he found he could borrow from other sources I'm afraid he might not be so perfectly open with me. What I fear is that sometime he may raise money on his expectations as papa's heir, and if he once did that and papa discovered it he would disinherit him without scruple. Not long ago I remonstrated with papa for keeping Walter so short when he could so well afford to deal liberally with him, and hinted that it might not have the effect of saving him from temptation, but might rather drive him to the Jews for accommodation until he came into possession of the paternal wealth, and oh, the storm of wrath I invoked! Papa said he went through college and took honors on half Walter's allowance and threatened that not a penny of the wealth he had made should ever go to a spendthrift. He said he had given Walter fair warning and if he transgressed he would repudiate him, cast him off and no longer recognize him as either son or heir. And he is a man who will keep his word to the death.'

'He must be an uncomfortable kind of a governor to have,' said Brian.

'He is good to me,' she said simply. Then as footsteps were heard approaching the rustic arbor in which they had seated themselves, she added, 'Now promise you will never lend or give Walter money.'

'Can't you make me deputy guardian angel to the young boy, consider me one of the family and let me do as I think best in an emergency?' he said persuasively, remembering the number of times he had already helped Walter with small loans.

'No,' she said firmly, 'it is best for him. I insist upon having your promise.'

'Oh, very well.'

'You promise on your honor?'

'On my honor, yes.'

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## CHAPTER III.

## A CASE OF MISTAKEN IDENTITY.

'Emma, Emma, where are you?' called a blithe girlish voice from the path hidden from the view of Miss Clifford and Brian Charteris by the thick laurel hedge that intervened.

The lovers arose, and advancing to the door of the arbor, Miss Clifford replied, 'Here Lily! Do you want me?'

'Want you? What a question! Do you know you have been in hiding more than an hour?'

'It's a base libel, Miss Arnold,' said Brian, as a fair-haired girl stepped out of the shadows and faced them. 'It has not been ten minutes. Why, Dudley, how did you get here?'

'I simply couldn't keep away,' Philip said, in a tone of melancholy that was not quite free from a suspicion of irony.

'You are a wicked story-teller, Mr. Charteris; isn't he, Emma? Do you know what he told me, Mr. Dudley? He said you had received news of the serious illness of a wealthy maiden aunt, and you were so overcome by grief you were unable to leave your room, and I would have to excuse your absence this evening.'

'Such a depth of infamy I would not have conceived possible, even from him,' said Dudley. 'I don't think it would be safe ever to trust such a man. Do you, Miss Clifford?'

'I don't really suppose either of you deserve to be trusted,' Emma returned. 'I dare say your excuse was quite as far from the truth, though probably less artistic, than the other.'

'You wrong me; you do indeed. I told the plain, undraped truth for once.'

'Yes, and they had such a lark,' laughed Lily Arnold. 'Your brother Walter and that queer Mr. Donovan and Mr. Birchall and Mr. Dudley were playing cards down town somewhere, and they were raided. Their man warned them to fly from the police and they escaped out through some nice romantic secret passage, and then were beautifully trapped and taken into custody.'

'What does she mean, Mr. Dudley?' gasped Miss Clifford, her face growing deathly white in her fear for her brother.

'It was only a joke, an ill-conceived practical joke of some of the fellows to round up on Rex Birchall for many similar jokes that he has played upon them. We had no sooner emerged into the lane, to which "our nice, romantic secret passage" leads, than we were surrounded and Rex was made prisoner, with the terrifying announcement, "I arrest you in the name of the Queen" or some other jargon. We all struck out for liberty, and Jerry hit someone in the eye and the victim cried out, "I—I say, Don—Don—Donovan, hit a f—f—fellow your size, can't you," and then we knew it was a plant and we had a good laugh over it, and when I managed to slip away the whole gang were helping Rex to carry Crummy Davidson to the river to souse him for putting the boys on our track.'

'But Walter? where is Walter?'

'Oh, your brother made off—Birchall told him to—as soon as he saw we were in difficulties,' said Dudley, with a sneer. 'He is, no doubt, sleeping the sleep of the virtuous in his own little bed at this moment.'

'That was so good of Mr. Birchall,' said Emma, heartily. 'If I ever see him again I shall thank him for it.'

Miss Arnold now made the suggestion that they should return to the house and she and Dudley led the way, Miss Clifford and Charteris following more leisurely.

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'I don't see how Lily Arnold can be so fond of Mr. Dudley,' said Emma. 'Outside of his good looks there is nothing to admire in him.'

'And does she care for him?'

'I think she cares for nothing else, and he is so indifferent and careless in his manner to her. She is infatuated and will forgive him anything.'

'I did not know you had ever met him, or Birchall, either. And yet I think your remark just now implied acquaintanceship with him too.'

'I was introduced to both this afternoon at the railway station. Walter and Miss Arnold came down to meet me and as I left the train I saw them all in a group talking, and as Lily kept close to Mr. Dudley she was obliged to introduce them both to me. And then such a funny thing happened, Brian.'

'Did it, dear? What was it?'

'Why, without thinking how it would sound, just as soon as Lily named Mr. Birchall, I gave him a good straight look and I said, "How did you come here?"'

'He looked at me with those saucy eyes of his and he said, "I walked."

'What, walked from London since twelve o'clock?'

said I. And he said, 'No. My walking powers are great, but I could hardly do that distance. I walked down from the college with Dudley.'

'But I saw you driving in Piccadilly this morning with Miss Somerset,' said I.

'But you were mistaken, Emma,' said Brian, looking mystified and not well-pleased. 'We were playing tennis from twelve till two to-day and he wasn't out of my sight a moment.'

'So they all told me, but how could I mistake the evidence of my own eyes? I met Marion Somerset in Switzerland, in August, after you had left us, and we spent two weeks together. I had not seen her from that time till this morning. It happened this way: I was in a



four-wheeler with papa, doing a little shopping before train time, and the traffic was blocked for a moment, and we stopped close beside a private carriage going in an opposite direction. A nice-looking gentleman sat on the side next me, and I looked at him quite closely and noticed his eyes particularly, and his mustache. And then I caught sight of the lady beside him, just as she saw me, and it was Marion Somerset. She leaned forward and we spoke for a few minutes, and then both vehicles moved on. I took a good look at the man to the very last, because Marion looked so gay and happy, and she used to have such a sad and mournful expression always, as if some secret trouble were preying on her mind. I was trying to discover whether her companion might not be the cause of her improved spirits. And coming down I kept thinking of her, and it seemed so strange that I should see what I was sure was the very man, right at the railway station. Was it not strange? I recognized him at once.

'It was a case of mistaken identity,' said Brian.

'Yes, that is what Mr. Dudley said, but it puzzles me even now. I can hardly believe but what he must have been in London and got back somehow.'

'By balloon, for instance? No, even that theory won't do,' said Charteris, 'because we know he was here.'

The soft strains of the last waltz were being played as the truants re-entered the house, and Brian, laying aside Miss Clifford's cloak, led her out to join the now greatly diminished throng of dancers, and after circling the room once they made their way into the dimly lighted, odorous conservatory which was completely deserted and suited their frame of mind far better than the brilliantly-lighted ball-room.

Here, some time afterward, they were discovered by Miss Arnold and Dudley diligently studying the botanical construction of some flowers that lay in Miss Clifford's upturned palm, and it was with great surprise that they

opping before train moment, and we going in an opposite direction. A man sat on the side of the train and noticed his. And then I caught him. He saw me, and in a moment we spoke. The train moved on. I was very last, because she used to have a way, as if some one had. I was trying to get down I kept thinking that I should be right at the railway. I recognized him at once.

learned that all the guests had departed, excepting three colonies of Sir Godfrey's who still remained to finish a rubber of whist. 'Do you wish to turn us out now, Miss Arnold, or may we wait till the elders have concluded their game?' asked Charteris.

'If you promise to be good you may stay,' she replied, and then turning to Dudley she asked, 'shall we leave them to study their flowers in peace?'

'No,' said Dudley. 'It is bad to encourage anyone in selfishness, and Charteris has exhibited so much of the chief attribute of the swine family to-night that I fear if he is allowed any more liberty the habit will become confirmed.'

I have been telling Mr. Charteris of my encounter this morning with Mr. Birchall's double,' said Miss Clifford, bringing up the first topic of conversation that came to her mind, to spare her lover any more of the chaff that was so distasteful to him. 'It seems such a strange thing, don't you think?'

'Such accidental resemblances are not uncommon, though the circumstances of this case are rather remarkable,' said Dudley. 'And what I since learned as to the identity of the man you saw in London makes it all the more odd.'

'Do you know him? How very queer,' said Lily Arnold.

'I am almost sure I know him. He is a long lost cousin of mine—though not as Rex Birchall suggested, his long lost and never-before-heard-of twin brother. Marion Somerset and her brother are my first cousins, my mother was their father's sister, and being an interesting orphan I lived with them. About two years ago Reginald disappeared after having quarrelled with his father, and not a word had been heard from him since that day till he walked into their house in town quite unconcernedly and without warning one day last

week. I knew nothing of this till I reached my rooms after seeing you at the station, Miss Clifford, when I found a letter from Marion telling me of the return of the fatted calf.'

'No, the prodigal son,' corrected Lily Arnold, while they all laughed.

'I think the fatted calf far more applicable to his case,' said Dudley. 'His quarrel with his father was over a pretty girl, daughter of the lodge-keeper at the Elms (my uncle's place down here). Reggie wanted to marry her and his father objected and the hot-headed young fellow must leave home on that account. He always was fond of adventure, and, by his own account, found plenty of it in Australia, where he went into sheep farming and made some money.'

'And was it he I saw with Marion?' asked Miss Clifford.

'There is no doubt of it, I think. A general description of him, as I remember him, would answer for Birchall, and he may have grown more like him. And I am sure no one else would have been driving with my cousin Marion. She would not let Reggie out of her sight now she has recovered him, she grieved so all the time he was away. I never saw a girl so wrapped up in a brother as she always was.'

'And now that he has returned do you think he will marry the lodge-keeper's pretty daughter?' asked Lily, the sentimental aspect of the case appealing to her naturally.

Philip Dudley stroked his mustache meditatively for a few minutes and then said quietly, 'I don't fear any such a catastrophe. Perhaps he may not want her now, and from what I have been able to learn from the pretty girl herself I should not be surprised if she had ceased to want him.'

'Oh, you wicked man, you have been trying to cut your cousin out!' Miss Arnold said reproachfully.

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'Indeed, no. You wrong me. I merely wished to test the strength of her affection for Reggie, in the interest of the family.'

'I would like very much to see your cousin and Mr. Birchall side by side,' said Miss Clifford. 'I don't believe Miss Somerset herself could tell which was which.'

'For heaven's sake don't suggest such a thing to Birchall, or he'd be playing off a practical joke on Marion without loss of time, and then I should be obliged to hurt him. If the resemblance is so strong as you seem to think some harm may come of it some day, for both Reggie and Rex are too erratic and impulsive in their natures to make it safe to give unlimited bonds for their good behavior.'

The conversation then turned into other channels and Dudley's words were forgotten by all but Dudley himself, till in the after time, when remembrance came too late, they recollected how he had said:

'Harm may come of it.'

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## CHAPTER IV.

### WALTER CLIFFORD'S DIFFICULTIES.

Walter Clifford, when he escaped from the throng that had surrounded his companions, did not fare so well as they, nor was Philip Dudley's prognostication at all correct.

He ran out of the lane, and then, in deadly fear of pursuit, took the most circuitous route for the college, running all the while as swiftly as possible, even though there was no sight or sound of pursuers. His breath was coming in short, hard gasps, but his speed was unslack-

ened when, rounding a corner close by the building for which he was bound, he shot, like a stone from a catapult, right into the centre of a knot of the high authorities of his own college, who were returning from a public dinner.

In answer to their questioning as to the cause of his unseemly haste, his agitation, and his lateness abroad, he gave such evasive and contradictory replies, that they came to the conclusion that he was intoxicated, and after promising that his case should be looked into next day he was let go dejectedly to his room.

He sat down beside a table and leaned his throbbing head upon his palms and tried to straighten out the tangle of his thoughts, but found that his mind was in such a state of confusion that reasoning was impossible. Idly he turned out one after another of his pockets and laid their contents upon the table.

There was a sixpence, a bent shilling with a hole in it—his lucky coin—two threepenny bits, a florin, a ha'penny, that was all the money. Then there was his bulky general-purpose knife, containing corkscrew, file, and glove buttoner in addition to blades of various sizes; a gold pencil case, a sheaf of unpaid bills, a collar button, a handkerchief with an aroma of stale tobacco, and with stains of liquor upon it, and last of all was a legal-looking document and an unopened letter addressed to himself in his father's crabbed hand writing.

He looked hopelessly at the heterogeneous collection, and smoothing out the crumpled edges of the document read it over and over without seeming able to take in its sense. And yet it was very simple, it was merely a legal intimation that a promissory note for one hundred pounds made by Walter Clifford in favor of one Isaac Cohen, having gone to protest, the amount would be collected by process of law. He had received the notice that morning and it had frightened him, for he knew that any hint of it reaching his father's ears would mean ruin for him.

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He had depended upon his sister to advance him the money, or at least enough to induce the Jew to delay proceedings. She had been able only to give him between twenty-five and thirty pounds, and now all that and what little he had had of his own was lost at play, and he was penniless, and loaded down with debts in every direction.

He had a very hazy idea of having played long after his money had run out, but how much he owed or to whom he had no idea at all.

From hopelessness, rage took possession of him, and taking up his father's unopened letter he tore it into minutest scraps with his fingers first and then with his teeth, and afterwards, making a ball of the fragments, he threw it into the empty fire-place, saying savagely: 'There! Now go to blazes!'

This relieved him and, rising, he hurriedly slipped off his clothing and tumbled into bed.

Next morning he awoke very early, and then the recollection of his difficulties swooped down upon him, and rising hastily he washed and dressed and went out, taking the road that led toward Sir Godfrey Arnold's residence, with the homesick desire of being near some one who cared for him.

He knew it would do no good to seek his sister—he had got all the help from her that she could give. She had come to Oxford only for a few days' visit, having left her father and mother in London with the understanding that she was to join them there and return home on the coming Saturday.

Mrs. Clifford, who was an invalid, suffering from one of those nervous diseases which are slow in their development, and with which people around them have so little sympathy, was paying a periodic visit to her London doctor, and Mr. Clifford had insisted upon Emma leaving them, saying she could do no good and would only worry her mother.

Emma had wondered at his manner a little, for she had always been her mother's chief nurse, but in her gladness to go to Oxford, where she could see her lover, and brother, too, she had not sought to discover the cause.

Walter wandered past the gates and then struck out into the country, and coming back made a detour and crossed Folly Bridge, standing for a long time looking down at the placid Isis which the morning sun was turning to pale gold, thinking, wondering, planning and promising his own soul, that if ever he got safely out of this last scrape he would never, never gamble or get into debt, or——

The clocks striking nine roused him from his meditations, and he hastened back to his rooms where his tutor he knew would be expecting him.

He opened the door quickly and there, sitting beside his table in a lounging attitude, and smoking a cigar while he read a sporting paper, he saw Rex Birchall.

'Hello, old man!' exclaimed Birchall, 'Where have you been?'

'Taking a stroll,' said Walter, with an assumption of cheerfulness.

'You don't look "extrey peart," as the Americans say,' said Rex. 'You'd have been in better form if you'd stayed last night. By Jove, but we had rare sport,' and Rex threw back his head and laughed heartily, revealing through his parted lips teeth that were dark and unsightly by reason of decay.

'Why I thought you—I thought——'

'You thought I was arrested? Well it hasn't come to that yet, but, who knows? it may be held in store for me in the future. No, it was only a gang of our fellows led by Crummy! But if ever an account was squared that was, with usurious interest, too, I give you my word. We ducked Crummy first and then rolled him in a barrel all the way along to Cornmarket-street, and then, up from



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Carfax a bit, we hauled down the tobacconist's sign and bound Crummy to the pedestal. You should have seen him strapped by the legs and waist and neck and fastened upright to the staples! It was rich, I wouldn't have missed it for a pony! We left him there like patience on a monument howling with grief.' He laughed, again, loudly, and then still smiling but with a shrewd gleam in his bright eyes he said:

'And now about what you owe me. I was in a deuce of a mull and you fellows losing last night will just set me on my feet. I have a note to meet to-day, and my losses on Ariel to settle or risk being posted.'

'I'm rather in a hole myself,' began Walter, fidgetting in his chair. A letter was lying on the table and he took it up absently and noticing that the handwriting was his father's, though it looked uneven and shaky, he slipped it into his pocket.

'Don't mention holes, I've been stuck fast in one for months! I hope you don't mean to default,' Rex said eyeing him suspiciously, 'for we all know Charteris will help you out—you're a lucky beggar to have such good backing.'

'Will my note do?' said Walter, reaching for the slips of paper with his initials upon them that represented what he owed to Birchall, and turning pale when he saw their amount. 'Heavens! Rex, I had no idea I was in it so deep as that!'

'You lost your head a bit, old fellow, and waded in with the recklessness of a millionaire!' said Rex, carelessly. 'As to your note, well, hardly. Couldn't negotiate it you see, unless you get Lucky Charteris to back it, then, of course. See about it and settle by noon, like a good chap. I'm in a hurry now and must be off.'

Slapping Walter smartly on the back by way of farewell, Birchall left the room leaving Walter in deeper depths of despair than he found him.

A knock at the door disturbed him and he shouted irritably:

'Oh, come in and be hanged to you!'

A boy entered bearing a telegram and he gave it into Clifford's hands and had opened the door to go out when Clifford saw Brian Charteris passing down the corridor.

'Charteris! Brian! Brian, I say!' shouted Walter, but the call being disregarded he started up and ran out after his friend.

'Hello, what's up?' said Charteris, as Walter caught up to him as he was about to descend the stairs.

'You must be deaf,' said Clifford, 'I shouted to you as you passed my door loud enough to wake the dead. Didn't you hear?'

'My dear fellow,' said Brian, in his lazy way, 'I can only do one thing at a time. I have to hurry to keep an appointment and so my ears had shut up shop.'

'I thought you heard, by the pace you were going to get away from me. But you must wait, I'm in a bad box and I have no friend to help me but you.'

Brian sighed and looked at his watch. It was ten o'clock, and Emma had told him if he could manage to be at Arnold's by ten Lily would let him go with them for a long drive to view the beauties of Oxford, this being Emma's first visit to the classic city. He knew Emma well enough to know she would not wait many minutes for him, and he thought that probably even now he would be too late.

'Can your tale of woe not wait till afternoon?'

'No, it can't. I have to settle by noon.'

'See here, young fellow,' said Brian, trying to look severe, 'I won't lend you another six-pence, or back any more paper for you, you may depend upon that. That last note that I endorsed for you you left me to meet without a word of warning, and that is not square dealing.'

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'Lucky, I forgot all about it,' said Walter contritely, with flushing cheeks, 'I never thought of it from that minute to this, I'm awfully sorry, I am indeed.'

'That's all right, I don't mind,' he said, genially, but then recollecting himself he added, severely, 'But you'll have to go to some one else to help you out in future.'

'Brian, you'll have to help me, there's no one else, and tomorrow will be too late. I swear to you I'll throw myself from Folly Bridge this night if you don't help me! There's a note of mine to that leech Cohen gone to protest, and if I don't settle to-day my father will know of it. I offended Cohen last week, I kicked him out of my room because he came sneaking around to ask if I was going to pay that note, or if I'd want it renewed at twenty per cent. I was mad, and I just kicked him out and told him I'd pay him when I saw fit, and he swore he'd make it hot for me if I did not pay when the note fell due.'

Brian's face was a picture of trouble and perplexity, but he remained firm in his refusal to help, though Walter pleaded pitifully. At last he said:

'Clifford, you go to Cohen and eat humble pie, and see the best terms you can make with him; then make a full, true list of your liabilities of all kinds—I mean everything, not alone what is pressing—and give it to me, and I'll try to raise the wind for you somehow. I'll see you at four o'clock. I lunch at Arnold's, and when I get back you can come to my room.'

'Thanks, I didn't think you'd let me go to everlasting smash,' said Walter, with a smile of intense relief.

## CHAPTER V.

## BIRCHALL TO THE RESCUE.

When Rex Birchall left Walter Clifford's room he made his way to the "Club," the scene of their last night's play. Martin, his "man," had set the place to rights, and on the appearance of Rex placed upon the table a bunch of letters, in number perhaps twenty-five.

Birchall sorted the letters, laying them in different little piles, and then began to open those that were in a pile apart, some of which were addressed to himself, "J. Reginald Birchall, Esq.," and others bearing various names similar to his own in sound, or of the same initials. He read them all, then put one or two into a pocket book and replaced the book in an inside pocket, and the others he tore up into very small fragments.

Then changing his coat in the bedroom adjoining, he went whistling merrily down stairs, and made his way to a livery stable, and while he waited chatted familiarly with hostlers and stable boys, a group of them standing round and listening admiringly to everything that fell from his lips. With his college *confreres* he was a leader and ruler, but here he was a veritable king!

If there had been an unprejudiced but critical observer there he would have marked in Birchall his main characteristic, his desire for applause. He was vain, but it was not vanity alone that made him try to stand well with all he came in contact. He craved for popularity—it mattered not whether the circle before whom he posed was large or small, high or low, he acted to the best of his ability the part that he thought would take best with them.

His present audience suited him admirably, and his efforts to keep up the character they had assigned him required less skill than any that he ordinarily assumed. And yet 'assumed' is a word mis-applied, for what he acted that he was in the meantime; he lived and was the reality of his rôle.

When he drove away, with high-stepping chestnuts, nearly seventeen hands high, harnessed tandem to a tall dog-cart with yellow wheels and buff-leather seats, he looked back at the throng that stood to watch him go, and flourishing his long whip and handling the ribbons carelessly, drove down the street with reckless speed.

He had taken half an hour's spin, and was driving with more care now that he was in an open country road and care was not needed, when ahead of him he saw a carriage overturned, the figure of a woman stretched upon the green sward bordering the road, and another female figure standing at the head of a pony or small horse.

He pulled in and drove guardedly, fearing the noise of his approach might frighten the horse. Coming nearer he saw that a second horse was lying upon the ground and that upon hearing wheels behind it, it was struggling to rise. His own horses began to give him trouble, and with difficulty he turned round in the narrow road, and driving back a little distance to where a stile, over a thick-set hedge, led into a meadow path, he managed to tie his leader securely, and then ran back to the party that had come to grief.

By the time he came up with them, the lady had risen from the ground and was standing beside the wrecked carriage, looking very white, with crushed hat and dust-covered garments, but apparently little hurt.

As he came up, raising his hat politely, both ladies looked at him with joy beaming from their countenances, and exclaimed simultaneously:

'Mr. Birchall!'

'Miss Arnold, I did not recognize you; and Miss Clifford, are you hurt? when I first caught sight of you, you

looked as if you might be,' said Mr. Birchall, meanwhile taking a look at the fallen horse.

'If you had only come a few minutes sooner!' cried Lily Arnold, with a hysterical laugh, 'Emma and I were dying for a chance to faint!'

'Is he hurt, do you think?' asked Emma, for unfastening part of the harness, Mr. Birchall had succeeded in getting the fallen horse upon his feet.

'Um, yes, leg broke, bad break too it looks to me, and I'm something of a vet. He'll never draw you again, Miss Clifford,' he said, looking up from his stooping position into Lily's pretty face sympathetically; 'he'll have to be shot.'

'Oh, Toby, Toby, my poor Toby,' exclaimed Lily, throwing her arms around the poor creature's neck and hiding her face against his nose. 'It was all my fault, and you're the one to bear the punishment! Couldn't it be mended, Mr. Birchall? I've had Toby and Tibby for five years, and I love them as much as if they were human. Oh, it will be dreadful to have him shot!'

'How did it happen?' asked Birchall.

'I was to blame, entirely,' said Lily. 'I was talking away to Emma, never seeing where we were going, and a boy suddenly poked his head through a gap in the hedge and shouted and waved a torn straw hat. The ponies jumped and swerved, drawing the lines out of my hands, and the carriage went over the side of the road and tipped over, shooting Emma out. I was on the upper side and clung to the carriage, and when I climbed out I saw Toby was down and Tibby seemed to have gone on top of him. But Tibby was good, dear Tibby,' this to the other horse that stood quietly nibbling at the short grass on the road-side, and put back her ears when her mistress spoke to her.

'Well, it's a bad business, but it might have been worse. Feel better now, Miss Clifford? No bones broken?'

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'Ah, no. I am all right, only shaken. But what shall we do?'

'If you do not mind being left here in this forlorn condition I will walk on to that farm house yonder and bring help, and then you can both drive home with me, if you will so-honor me.'

'You are very kind,' said Lily, dubiously, 'but what will you do with Toby?'

'Oh, Toby wil' be cared for. He can walk a bit, and the farmer people will look after him till your father can get advice. I will be back before you have time to miss me,' he said, speeding off with a cheery smile.

'Isn't he kind?' said Lily.

'He is, indeed,' returned Emma, 'and his manner is so hearty and unaffected. I am sure it can only be prejudice that could make anybody think anything but well of him.' She spoke with unwonted vehemence, thinking of Brian's evident vexation at her acquaintance with Mr. Birchall. She felt resentful toward Brian, for had he not said he would be with her in time for this drive that had ended so disastrously, and was he not in a manner to blame for the accident?

Rex Birchall returned with efficient help. Tibby was led off by the bridle, the carriage with its wrecked wheel was taken in charge by two laborers, and poor Toby, limping in a heartbroken manner followed slowly in the rear.

'Do not watch him, Miss Clifford,' said Rex, stepping in front of her and hiding the view of the poor animal from her tearful eyes. 'Come along and we'll get off for home. Perhaps they'll manage to save him for you,' with a hypocritical desire to comfort her.

'No, thank you, Mr. Birchall, I will stay here. You may drive Emma home, Mr. Charteris will be waiting for her, and then, if you will be so kind, you may send papa to me here. No, no, indeed, I will not leave poor Toby,' she said, as they tried to dissuade her. 'They would



shoot him and I might never see him again. I won't desert him, he was always faithful, and he never even kicked when he was down! No, if he has to die I will stay with him to the very last.'

And so it was arranged. Emma mounted the high dog cart, and with Mr. Birchall beside her they drove into Oxford, leaving Lily Arnold in care of the farmer's comely wife.

There were many nearer ways of reaching Oxford and Sir Godfrey Arnold's residence than the road Birchall took, but then his desire to show Miss Clifford the finest views of Oxford was laudable, surely; and as they approached it from the fine road, smooth and level as a billiard table, that ran between undulating meadows and parks of noble trees, he was well repaid by Miss Clifford's enthusiastic admiration.

There, with the afternoon sun flooding everything with brightness, old Oxford lay before them, with its spires and turrets and domes, a scene magnificent with the works of man, and embellished by nature's kindly aid.

'I never thought of Oxford as in the least attractive. Before yesterday I thought of it as cold and formal, fine as ancient stone can be, but not lovable; and yesterday the drive from the station, you know, revealed so much that was simply odious! But now, oh, stop just a moment till I look once more!'

Mr. Birchall drew in, and then whipping up his horses he made a detour and went through many of Oxford's finest thoroughfares at a rattling pace.

'You are fond of horses, Mr. Birchall?' said Emma, questionably.

'I am, undoubtedly, but,' looking at her with a saucy, quizzical glance, 'I can't make it pay as well as some folks. Now, there's Charteris. Charteris knows horses, and he's never quite himself unless he's on one's back, but there's good reason for his fondness! I give you my word, Miss Clifford, I don't think there's a fellow in all

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England comes out of it with more money than Lucky Charteris. Now, here's a case in point. I backed Ariel for last week's meeting as heavy as I dare go. Ariel sold first favourite, and as I'd gone in early with a lot of our fellows we were sure we stood to win a pot of money. But Ariel, you know, was not in it, went dead lame, and Sleepy-eye, that nobody had any confidence in, came in first, and Charteris won. Well, I'd hate to venture a guess at how much, but you may call me a Welcher if he did not rake in a good thousand pounds !'

Emma Clifford sat up very straight and stiff, and her face flushed painfully as she said, in displeased tones :

'Do not say any more, Mr. Birchall ; I disapprove of betting and horse-racing, and gambling of all sorts.'

'Do you now, really ?' he asked, in disconcerted surprise. 'Hope I haven't been letting out on Lucky—Lucky's a friend of mine, and a better fellow never stepped, that I'll swear. Come now, Miss Clifford, don't frown upon me. Perhaps it's wicked—I've no doubt at all it's sinful to lose—but all the fellows go in for racing, and one cannot keep out of it, you know.'

'Not if one knows it's wrong ?' said Emma.

'Wrong ? well, as to wrong, it seems worse to be different to other people than to be in the swim.'

'There is no principle in a sentiment of that kind—you should do right even if it makes you unpopular and you lose by it.'

'That's puritanical doctrine,' said Rex, with a laugh, and will hardly go down at Oxford. But, more soberly, but with a merry glance askance at the solemn little champion of virtue as she sat looking straight ahead, 'I often wish I could cut all such follies and settle down to a quiet, respectable life. Only when one has no good influences thrown around one ———'

He paused and sighed, and Emma began to feel sorry for him, and in her gentle though dictatorial little way she preached him a sermon, and as she talked gravely

and sedately, he thought to himself, 'I've put a considerable of a spoke in Charteris' wheel, and got him in for no end of a curtain lecture!'

Then, as they drove up to the door of Cedarhurst and Birchall threw the lines to a groom, he leaped out, and as he helped Emma to alight he looked into her face and said softly:

'I always thought Charteris was lucky, Miss Clifford, but I never knew how lucky till now.'

The application of his words was so obvious that Emma blushed, and, casting a coquettish glance at him and making him a mock courtesy, ran up the wide stone steps into the lofty tiled hall.

And Brian Charteris who, from behind the curtains of the library window, had watched them, ground his teeth savagely, and in Iago's language muttered:

'I like not that'

## CHAPTER VI.

### AN ESTRANGEMENT.

'Sir Godfrey is in his study, miss, with the steward,' said the footman, in answer to Emma's enquiry, 'and, ahem, Mr Charteris is in the libr'y, miss. I hope nothing's happened to our young lady, miss.'

'Take me to Sir Godfrey,' said Mr. Birchall, 'I must see him at once.' He nodded to Miss Clifford, as much as to say, 'Run along to your lover,' and followed his guide across the hall and into a passage-way that led to Sir Godfrey's own particular den, mis-called 'the study.'

Here, in his most provokingly familiar, assured manner, to the precise and dignified old gentleman he ex-

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plained his errand, startling him as much as possible while he urged him to be calm, and telling of the accident in graphic style, and of the danger the young ladies had been in, before he told of their immunity from harm.

Sir Godfrey thanked him as frigidly as he could, considering the undeniable service he had rendered, and declined Birchall's offer to drive him out to the scene of the accident, or even to allow him the honor of leading the way thither.

'I shall trespass no longer on your kindness, Mr.—ah—Birchall, than to direct my man where to go, and then—ah—Mr.—ah—Birchall, I will wish you a very good-day.'

'Crusty old beggar,' Rex said to himself. 'I'll give him a good drive if he ever had one in his life!'

Then to the man whom Sir Godfrey had summoned he gave such minute and particular directions of how to reach One Oak Farm, that the man went off with the very haziest notion of whether he had to turn north, south, east or west—all he knew was the name of the farmer and the name of the farm.

Emma, when Birchall left her, instead of at once entering the library where her lover awaited her impatiently, ran upstairs, removed her hat and jacket, brushed her dress and washed her face and hands, and otherwise made herself look neat, and then, with a strong feeling of resentment against Brian, she walked coolly and leisurely into the pleasant old library, with its book-covered walls, its great easy chairs and cosy window nook.

Brian had been standing, and as she entered he moved toward her with the evident intention of shaking hands, and, mayhap, kissing her, but with a quiet little nod to him she sank into a wide-armed chair, that quite swallowed up her dainty little figure, and sighed: 'Oh, dear, I am so tired!'

'Did you drive far?' asked Brian, indifferently, taking up a position on the hearth-rug, with his broad shoulders

resting against the mantle, surveying her with anger in his heart across half the width of the room.

'We left the house at half-past ten,' with emphasis on the ten.

'I was sorry I could not get here in time,' he apologized, awkwardly.

'Pray make no excuse. It was not of the least consequence. I did not even tell Miss Arnold I had given you permission to come and drive with us.'

'You did not?'

'No. She asked you to luncheon, and if you had come so early, she would simply have imagined you thought she had asked you to breakfast too.'

'Thanks, I am very glad I escaped so unfortunate an inference. Has Miss Arnold not returned?'

'No.'

'Did you not go out with her?'

'Yes, she drove me away out into the country, such a lovely drive,' she said with enthusiasm.

'And where is she now?'

'Oh, Mr. Birchall overtook us and asked me to drive with him. Lily stayed out at a farm house. She will not be home for some time.'

'A strange proceeding, truly!'

'Not at all. Mr. Birchall was most kind. He is a capital whip,' she said irritatingly.

Brian gnawed his mustache and said nothing.

Emma's love of mischief and her sense of injury made her unmerciful—as women so often are to men who love them—and she continued provokingly:

'Mr. Birchall has offered to drive me everywhere, and he has promised to get me a nice bull pup, whose sire is own uncle to a dog of his that is the most famous fighter in Oxford and does tricks to no end. He's awfully good-hearted and handsome, too, don't you think so, Brian?'

'Oh, hang Birchall and his bull pup,' he said vehemently, striding over to her and resting himself on the arm of

her chair, and putting his arm masterfully about her neck. 'You little witch, y u have made me burningly jealous for the first time in my life, and I feel as madly murderous as ever did Othello. Hark, is that four o'clock striking! Oh, confound the luck, I shall have to leave you; I have an important appointment for four o'clock!'

Emma drew away from him petulantly. She was so anxious to tell him the story of her peril and escape, and here she had wasted their few precious moments in idle bantering.

'Come dear,' Brian said coaxingly, taking her by the hand and assisting her to rise, and bending his tall head down toward her pouting face. 'Not one kiss?' he asked in surprise, as she turned her face from him. 'What nonsense is this?'

'If that is the way you ask a favor, then I wish you good-bye till you learn better manners,' she said, tantalizingly. 'Had you not better make haste to the appointment with your sporting friends, your book-maker, or some of your disreputable acquaintances? Pray don't let me detain you. This is only Thursday, and I may be able to stay here till Saturday morning, if I am not sent for before.'

Brian made an abortive attempt at reconciliation, and then, shrugging his shoulders, he said, curtly, 'Well, I quite regret not having time to coax you out of your bad temper, but probably you may be able to preserve it until our next happy meeting!'

And with these words he left her, and it was not till he had almost reached his destination that he recollected his intention to beg Emma to absolve him from his promise not to give her brother financial aid.

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## CHAPTER VII.

## WALTER CLIFFORD'S TEMPTATION.

When Walter Clifford parted from Brian Charteris he went back to his room feeling wonderfully relieved. He sat down with a sheet of foolscap before him and set to work with the intention of following Brian's instructions implicitly. He began by setting down the amount of the protested note, the probable costs being placed underneath; then came the amount he had lost to Birchall on the previous night; then what he had lost through backing Ariel, for which he had begged time to settle; then came items from the bills that he had in his pockets, bootmakers, tailors, perfumers, florists (for Walter had luxurious tastes); then sums, more or less trivial, owing here and there to the fellows, were jotted down, the figures growing smaller and smaller as he tried to crowd them into the space of one column on the page,—but it was useless, he had to turn over and continue the list on the inside leaf, until his brow grew wet with perspiration and his cheeks blazed.

He had been writing in ink but now took a lead pencil and very lightly set down five or six items, not specified, and then, reluctantly, he set down a sum in the £ column that was to have been in three figures but that, after setting down two, he paused and, reaching for a rubber, erased every figure in pencil mark with unnecessary haste and vigor.

'No,' he muttered, 'that at least I won't mention, the post obit covers it; and as to the others, they can wait.'

Then with painful slowness he added the sums set down, but the total so appalled him that he tried and



tried again to find an error in his reckoning, but it stood the test.

Then taking a fresh sheet he began culling from the list only his most pressing liabilities, but after totalling them, the sum was so far from satisfactory that he threw all the defaced paper aside, and snatching up his hat made his way out of the room and the building, and after a long walk stood in the presence of his enemy, Isaac Cohen.

Isaac was preternaturally cool and unconcerned; he would have no mercy. If the money was not forthcoming by three o'clock that day,—and he went out of his way to say he did not expect it—then he should telegraph to William Clifford for instructions as to how he should proceed.

'You pays py tree,' said the Jew, 'then you owes me nodings. You not pay me, your fadder must. Pizness phas pizness.'

'Till three' was the limit, what then could he do if he could not find Charteris before that time? Then indeed suicide or ruin was his only option.

He had not breakfasted, his potations of the night before had left his nerves unstrung, he was on the verge of illness, caused by dissipation and excesses wearing on a frame never robust, and indeed if he had been strong both of body and mind, the strait he found himself in might reasonably have distracted him.

He went at once to Brian's rooms, passing his own door on the way, and noticing vaguely that a boy stood before it knocking.

Brian's door was locked, but his few intimates knew where to find the key, pushed beneath a crevice in the skirting. Tremblingly he opened the door and went in. He looked around for a scrap of paper on which to write a note for Brian should he return before he had chance to find him.

The room was scrupulously clean and neat, the fine oak desk was locked, but the key was in it. Walter unlock-

ed it but in its neatly arranged interior saw no stationery. Then he opened a drawer that protruded the least bit farther than the others, and a spring that had not quite fastened clicked as he drew it out.

There lying temptingly before him was a roll of crisp Bank of England notes. He began to count them: one, two, three, four, up to twenty. Then he stopped and drawing the twenty away from the few that remained he shut the drawer on the balance, locked the desk, and with a face that was white with fear and horror, and a hand that grasped tightly the twenty notes, he left the room, locked the door after him and stood for a moment leaning dizzily against the door frame.

'Enough to pay the Jew and Birchall; enough to save me from ruin!' kept repeating itself in his mind. 'I can pay Cohen before three, and my father will never know. And Charteris would lend it to me if he were here. Enough, enough, enough to pay the Jew and Birchall.'

His head felt very light and strange as he tried to find the crevice where the key belonged. He groped unsuccessfully for a while, with a loud ringing in his ears like horses' hoofs striking on stone, and then suddenly a door across the corridor opened, and he dropped the key in affright as the bluff voice of Jerry Donovan cried out:

'Hullo, Cliff, what are you doing there?'

'I—I,' panted Walter; then reeling he caught at the door handle for support.

'Drunk!' exclaimed Jerry, disgustedly.

'No, just ill,' said Walter, recovering. 'I got dizzy when I stooped to find Lucky's key. I want—wanted to get something—a book—out of his room, but I—I guess I won't bother; I—I feel so queer.'

'Go and take a nap,' said Donovan, picking up the fallen key, and replacing it where it belonged. 'You look doosid bad.'

The bells had just struck one, and the corridor and passages leading from it began to echo with the sound of

footsteps. Walter turned from Donovan in the direction of his own room, but had only taken a dozen steps when he staggered and fell forward with a crash, flat upon his face.

A crowd surrounded him in a few moments, and he was carried not into his own room or that of any of his friends, but straight into the sanctum of Dr. Howeth, who stood by and gave the command.

And then, while restoratives were being applied, they saw in his clenched hands the ten-pound notes, and Donovan, examining them, exclaimed:

'They are the very notes I paid over to Brian Charteris this morning! I wonder —'

What he wondered he did not say, but every one around him finished the sentence:

'I wonder if he came by them honestly.'

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## CHAPTER VIII.

### A STARTLING MESSAGE.

When Birchall left Cedarhurst he drove at once to the livery stables, then visited the 'Club' room to inquire if Clifford had left any message for him, and finding he had not he proceeded to his lodgings to see if he had been there.

In his sitting-room he found Philip Dudley installed comfortably, smoking his cigars and making free with his stationery. Dudley, making no secret of his scanty means, was given the freedom of any of his associate's belongings, and availed himself of it without stint or scruple.

Notwithstanding his poverty he lived well, dressed well, and never got into debt, and always seemed to have enough money to indulge in the pleasures of the hour.

'I've been waiting for you this hour past,' said Dudley, in an aggrieved tone. 'I want your help in a little difficulty. I have got into a fix. The Somersets are coming down to the Elms next week, bringing their wandering sheep back with them. That's the fellow that looks like you, my cousin Reggie, the one Miss Clifford saw with Marion in London. My uncle and Marion have been abroad so long they have not had a chance to see Mattie Spaulding, and I don't want her to have a chance to confide in any of them, d'ye see?'

'I can quite see it would be awkward for you,' said Rex, busying himself in changing his coat, waistcoat and tie.

'Awkward isn't the word for it,' said Dudley, with a twist of his slim shoulders as though he winched from the sting of a lash. 'It must be prevented, and as I have to go to London to-night, at my uncle's command, and come down with them next week, I can't go and warn Mattie to be judicious, and I want you to go in my stead. Go to-morrow if you can, old chap, or next day would do, and give the saucy gipsy this letter from me. Her temigant of a mother, with her prying eyes, prevents me from writing openly. Go after dark and hang around till you can see Mattie; she walks every night down by the bridge where you saw her with me one day. If any body sees you they may have the good luck to mistake you for Somerset, and then, eureka! I'll have the drop on him safe enough.'

'All right, I'll do what I can for you, Pretty. Leave your letter and all instructions for I have to be off. Make yourself at home, but please leave one cigar to keep the box from feeling lonesome.'

With a careless nod Birchall left the room, clad in ultra fashionable garments of decidedly striking effect, and

with the free swinging stride of a good pedestrian he made his way to the College in search of Clifford.

'The young cub will have to pay up,' he muttered, 'even though he has a pretty sister!'

He found Walter's room untenanted. His writing table was littered with papers, and an unopened telegram lay in a clear space, placed conspicuously. Rex sat down to wait, and in his restless way began turning over the papers and looking at the notes that lay scattered about, and by-and-by he came across the sheet of foolscap whereon Clifford had set down his liabilities. He looked idly over the items. Protested note, Cohen, £100; expense, do., say £10; Birchall—

'Phew!' whistled Rex, 'the kid has been reckoning up what he owes! Poor beggar, what a fool he is for his pains! It's a thing J. Rex B. was never known to be guilty of. Ah, my lad, for a pap-fed innocent you have been going the pace—tic-u-larly well. Something will be happening to make you emigrate for parts unknown before a great while. Wonder how your little Puritan sister would enjoy seeing this. I think I'll toddle along to see Lucky and find out if Walter has applied to him for funds to pay me.'

He walked down the corridor and finding Brian's door unfastened walked in, after giving a loud knock.

'Hello, Lucky, what's up?' asked Rex, seeing that Charteris was seated before his desk holding something in his hand and looking puzzled and annoyed.

'My desk has been tampered with,' he said quietly, 'and twenty ten-pound notes are missing. Jerry Donovan paid over £250 this morning, and I placed them in this drawer, that has a most ingenious spring, and called him to witness that I did so, and then, being in haste, I left the room when he did and put the key where I always do. And now, when I come back, I find only these left,' holding out five notes,

'Made any inquiries?'

'Not yet, I have not had time. Have you seen anything of Clifford?'

'No, I'm after him though. I'm sorry for your loss.'

A knock at the door interrupted him and in answer to Brian's invitation to enter a man appeared and said that 'Dr. Howeth presented his compliments and would Mr. Charteris please step down to his room.'

'I'm off, Charteris,' said Rex, 'I'll be back if I can't find Cliff.'

Birchall went back to Clifford's room but found it still empty, and coming out again encountered a man he knew but slightly, who accosted him.

'The Dean has been inquiring for you, Mr. Birchall. There's a row about last night, I believe. You have been sent for twice, I think, and I'd advise you go at once and face the music.'

'Thanks,' said Rex, laughing ruefully, 'I've danced to that music too often to admire the tune; but I'm much obliged to you for your advice, and I'll go and get it over.'

He at once made his way to the dreaded presence, and was relieved to find that it was simply information about Clifford's proceedings of the night before that was wanted.

Birchall, in his off-hand way, told a straight enough story to insure credence, but denied any misbehaviour or drunkenness on Clifford's part.

'I can tell no more without criminating myself, reverend sir,' said Rex, with a frank smile, 'but we gave the lad such a scare that it was no wonder he gave a confused account of himself. I promise you that it will be some time before he ventures out again after dark.' He turned to leave, and then said, irrelevantly:

'A bad thing that about Brian Charteris being robbed. This, of course, led to inquiries, and Reginald had the satisfaction of telling the exciting bit of gossip to the dean.'

When he returned to Clifford's room he found it occupied by Jerry Donovan, and from him he learned of Clif-

ford's seizure, his prolonged swoon, and his present state of fever and delirium; but not a word did the big Irishman say of the notes that were found in his clenched hand.

'This telegram has been lying here for some time,' said Rex, 'and it may be important. Don't you think it would be well for me to take it to Clifford's sister? She ought to have the news of her brother's illness broken to her gently, or some fool will be sure to see her and blurt it out. Brian is with Cliff, you say? Well, I'll start right away for Cedarhurst.'

Mr. Birchall, riding up to Arnold's, was met by Emma at the entrance, where she had been watching eagerly for the return of Sir Godfrey and Miss Arnold.

'Why, Mr. Birchall, I thought it must be Walter! The bad boy has not been near me all day. You look strange,' she said, apprehensively. 'Tell me, there is nothing wrong with Walter?'

'He's got a blinding headache; he gets 'em pretty often of late. Too much study and that,' he said, dismounting, and making a grimace aside for the benefit of his horse. 'He's been pretty bad all afternoon, and this telegram came, and as he was just off into a beautiful sleep we thought it would be a pity to wake him, and so I volunteered to fetch it to you.'

'Thank you, you are very kind,' said Emma, looking doubtfully at the yellow-coloured missive. 'Come in, please. So you think I ought to open it? Perhaps he might be vexed.'

'Not he,' said Rex. 'He'd be more vexed to be wakened out of his sleep to read it himself, poor lad.'

'Very well, then. Will you excuse me, please?'

Emma stood before the great fireplace in the dusky hall, the bright gleams from the fire that had just been kindled lighting up her pretty face, and Rex looked down at her admiringly as she, with reluctant fingers, opened the envelope.



She spread out the paper, bending a little to let the firelight fall upon it, and read the first few words. Then she grasped the edge of the mantel for support, cast one look of horror at Birchall, and, trembling visibly, read on.

'What does it mean?' she gasped, in a husky whisper, glancing despairingly at Birchall.

He took the message from her nervous hand and read:

'Why have you not answered former messages? You were not on the train I specified. Will go on alone to Inglewood with your mother's body. Follow, with Emma, by first train to-morrow.'

'WILLIAM CLIFFORD.'

## CHAPTER IX.

### WALTER REPUDIATED BY HIS FATHER.

There was no one to advise or help poor Emma Clifford in her trouble excepting Mr. Birchall, but he was so helpful and sympathetic, so ready to insist upon what should at once be done, that she leaned upon him gratefully. He let her know that Walter's illness was of a more serious nature than he had admitted, told her of a train for London that she could catch if she hastened, and of connections that could be made with the night express that stopped at Burford, one station beyond Inglewood, from whence she could drive home in a fly.

He hurried her off authoritatively to get ready while he ordered the carriage. He drove her to the station himself, the groom sitting sulkily behind, got the tickets, and got Emma aboard the train just as the guard clapped the door shut and the train pulled out of the dingy covered-in station.

'Why, Mr. Birchall,' said Emma, 'what will you do?'

'Did you think I would allow you to travel alone?'

Well, now, you must think me a pretty fellow! I am only too glad to be of service to you, your brother and Mr. Charteris being unavailable. Now, if you'll take off your hat and lie back, so, and close your eyes, I'll talk away to you, and you must try not to think or worry, because you'll want all your strength and nerve to comfort your father. Now, shut your eyes and listen to me.'

And with unwearied zeal all through that distressing journey he chatted incessantly, knowing that his words carried no sense with them to her stunned brain, but knowing too, that he was making sustained thought on her part impossible.

Of his own discomfort he did not think at all, though he had no dinner and only one cigar since his meeting with her in the early part of the afternoon, and smoking and the pleasures of the table were among his chief joys. At London he had barely time to get Emma a cup of tea and some sandwiches for both when their train was off.

Emma began to feel very stiff from her pitch out in the afternoon, her bones ached and her neck seemed hardly able to support the weight of her head, and she felt bruised and sore all over. Seeing that physical suffering was now overshadowing the mental, Mr. Birchall grew silent and left her entirely to herself, and only unobtrusively looked out for her comfort.

At Burford he hired a fly and drove himself all the ten miles of the distance to Mr. Clifford's residence near the little village of Inglewood, the hour of their arrival there being three o'clock.

Mr. Clifford, gaunt and hollow-eyed but cold and austere of aspect, met them and bent to kiss Emma's tear-stained cheek, but put aside the arms that were raised to clasp his neck.

'Where? where is——' moaned Emma brokenly.

'They have laid her out in there,' he said with stern composure indicating a closed door at his right. 'Will you go in?'

Emma was past speech but she inclined her head and her father held the door open while she passed in, and closed it behind her. The two men heard a gasping heart-broken cry and then a fall.

'The nurse is there,' the father said sharply, as Mr. Birchall made as though he would have entered the room of death, and, then, telling Rex to follow him, he led the way to a small parlor, and, ringing the bell, ordered that substantial refreshment should be brought there for his guest.

Mr Clifford had not been softened by the affliction that had deprived him of a wife, it had turned him to stone. His manner came as near to disconcerting Rex as anything had ever done in his life, and he had to cough alarmingly loud several times to prevent his bluff hearty tones from growing husky as he answered the questions Mr. Clifford put to him.

'You say Walter was taken ill suddenly? He swooned and remained unconscious for hours? and then his state changed to fever and delirium.'

'Yes, sir, and Jerry Don——, Mr. Donovan assured me his state was critical—not that his life was in absolute danger, you understand, but he is pretty sick, in fact very ill indeed.'

'At what time did this seizure take place?'

'Oh, quite early in the day, hours before I heard of it at five o'clock. But he had been running down for some time, we all noticed it. Cramming, you know, studying hard.'

'Ah. What time did you see him to-day?'

'Well, let me see. I'd had breakfast early, and it was, may be, nine o'clock. I was in his room when Cliff came in. He'd been out for a stroll to see if it would drive away his headache. Complained of a bad night.'

'Ah. He was to be at Sir Godfrey Arnold's to dinner the night Emma arrived. Do you happen to know at what time he returned to the college?'

'He was at Arnold's to dinner, but did not stay for the dance, as his head was bad. I heard him say so. He went to the college direct from Arnold's.'

'Thank you Mr. Birchall. Now I know all I wish to know. Now I will tell you something,' said the stern, emotionless voice. 'My wife, my daughter and I went up to London last Monday, and on Tuesday my wife's physician held a consultation with three of the most eminent specialists in cancerous diseases that the world knows of, and they decided that an operation was necessary. She would die in any case within a month and under favorable conditions the operation would surely prolong her life, and might result in permanent cure. That was their verdict, and my wife elected to risk the operation, but with the understanding that her daughter was to be sent away in ignorance of the nature of her disease and of the trial that she was to pass through, and that her son also should be uninformed. However, I disregarded her wishes so far that I wrote to Walter all the particulars early on Wednesday. Miss Clifford left on Wednesday noon, I saw her off, and when I returned I found that the surgeons were about to perform the operation, my wife having urged haste.'

The old man paused, drew in his thin lips and then continued steadily, 'The operation was unsuccessful. The conditions were unfavorable. The disease had reached a greater development than had been expected. She began to sink at once, but gradually. I was not apprehensive, but I wrote to her son giving him all particulars, and bidding him hold himself ready at a moment's notice to come to us with his sister. Then, just before midnight, I telegraphed that they had better come, specifying the train that leaves at two. The first letter would have been delivered on Wednesday before four

o'clock at the latest, the telegram would have been in his hands by twelve, the second letter this morning by the first mail. In the night a change came, and by daylight the doctors said she would die. I at once telegraphed again for them to come without delay, but received no reply. She died at nine. All day I watched for them, and then, it having been her desire to be interred in the country, and the arrangements having all been made, I took the last train for home—with the body—alone. If he had not received my first telegraphic message it would have been delivered at Arnold's by my direction. He received it, therefore, but either carelessly refrained from opening it, or, worse still, read it and disregarded the summons.'

'When you return to Oxford, Mr. Birchall,' said Mr. Clifford, rising, and drawing himself up with chilling dignity, 'you can say to Walter Clifford that I have no longer a son. Tell him from me that if he dares to approach this house he shall be cast forth like a leper. Tell him that as long as I have breath I will never forgive him, never receive him, never call him son; not one shilling shall he ever more receive from me, nor will I ever look upon his face again. Tell him that when I was expecting a message from him, as I waited for him here beside the dead body of his mother, this message was brought to me. It was sent from Oxford, you see, at four o'clock, addressed to me here, and it awaited my return to this stricken house with the body of my wife.'

He handed the message to Birchall, and he merely glanced at the signature, Isaac Cohen, and then he understood.

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'Martin,' said Rex, sauntering into the club with his usual *debonaire* manner, about four o'clock next afternoon, 'any of the fellows play here last night?'

'Yes, your ludship, eight on 'em. But they wasn't not to say noisy.'

'All right. Do you remember the night I played here last?'

'Yes, sir; night afore last.'

'Well, did a telegram come here for me? Now try and think?'

'No, sir, there was nothink but the one tellegraph and hit were fur—— Oh, lor! I put it away and never thought no more on it, meannin' to give it hup as you gents went out,' Martin said, looking terribly alarmed.

'And we went out the back way, eh? Well that was unfortunate. If I were you I'd get rid of that "tellegraph" as quickly as I could for fear Mr. Clifford should make trouble for you. That's what I'd do, having a wholesome dislike to the idea of jails and penal servitude.'

'Thank you kindly, yer ludship, yer a real gentleman if ever there was one. There's letters upstairs for you, sir, and there's been a party, a female party, haskin' after Mr. D'adley, and I told her as he'd gone abroard. Right sir? Thank you, sir,' this for a shilling that was flipped to him from Rex.

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## CHAPTER X

### BETTER CUT THE COUNTRY AND EMIGRATE TO CANADA..

Walter Clifford lay ill unto death.

The looks of coldness or scorn or pity that his name brought up could not hurt him as he tossed day after day in the throes of brain fever. He had been carried to Brian Charteris' rooms by his direction, and there Brian watched over him with the tenderness and patience of a woman. He had hired trained nurses, had secured the best medical attendance that Oxford could supply, but to his own unceasing care belonged much of the

credit of saving Walter Clifford's life—saving it, for what fate?

He had only in a measure been able to hush up the story of the loss of the money from his desk and of where it had been found; Reginal Birchall's information to the Dean having precluded strict secrecy. But what he could do had been done, and the story that he had told, that the money was for Walter but that he was not aware that he had taken it, was generally accepted by all who did not know the facts. But without any publicity, and only with a brief notice to Mr. Clifford that his son had been expelled, Walter's name was taken from the college roll, even while his life hung in the balance.

Emma Clifford, after the funeral, came to Oxford, notwithstanding her father's distinct prohibition, and stayed with the Arnolds until Walter had sufficiently recovered to be removed to lodgings outside the college walls, and then she shared them with him, and tried to comfort and cheer him, but tried in vain. He shrank from her as he did from everyone but Rex Birchall, and to him he clung with desperate tenacity.

The sight of Birchall with his conspicuous and oftentimes outrageous dress, the sound of his bounding footstep as he climbed the stairs, three steps at a time, the noise of his hearty, slangy, goodnaturedly rollicking greeting roused Walter from his stupor of depression and made him brighten up and show some slight signs of life and spirit.

There was still a measure of coldness and constraint in the relations of Brian Charteris and Emma Clifford, but the engagement was not broken off. There had been considerable friction on account of the intimacy with Birchall, for whom Emma could not feel anything but gratitude, after the services he had rendered her, even though she saw more clearly than Brian himself could how much he lacked of true refinement and how far short of being a true gentleman he fell. Brian was willing to concede all his good points, to give in that he was good-



hearted and jolly and kind, but that he was a fit associate for a cultured and delicate girl, innocent and pure of heart as an infant, he would not allow, and had impressed his opinion upon Emma in no equivocal terms.

So one day, about six weeks after her first arrival in Oxford, when Walter had progressed so far that he could have gone out had he been so inclined, Emma went out, leaving Mr. Birchall with her brother; the nurse, who had come from home with her to tend the boy whose infancy she had guarded, 'being within call, should he require her.

Birchall had been talking busily, telling Clifford of the doings among the fellows, when Clifford broke in with:

'Don't tell me anything about them, I won't hear one word about any of the lot as long as I live. Tell me what I am to do with my life, that's what I want to know. Expelled, disgraced, ruined, cast off by my father, what can the future hold for me?'

'Hold, bless you, it can hold just as much as before; more, if you're a lad of spirit as I take you to be. The respectable lay here in England is worked out for you and you will have to quit it. Cut this country and try Canada. Emigrate to Canada and start afresh, that's my advice to you.'

'But Canada is wild, isn't it? That's no place for a gentleman. What could I do there?' asked Walter.

'Do? Why, learn farming. Go out there as a farm pupil, where you'll live on the best, ride around the farm and keep your eye open to learn their methods, hunt and fish and live a fine adventurous life, far away from where your past is known, and where you will be looked up to as a little deity. All you want is for your governor to plank down the ready, and there you are!'

'I cannot ask my father for money, and I can do nothing without it,' said Walter dejectedly. 'I'd like to go—to get away from all the bad habits and the old gang, to

drop the old sins and follies, and the old ways, and start afresh, that's what I want if only I could have the chance.'

'That's the talk, old man. That's better. Now, give me leave to go down to Inglewood and tackle the old man, and if I can't worry enough out of the solemn old duffer to give you a great start, then my name is none of those names that I have been in the habit of using. Just say the word and consider the thing settled. I know all about the farm pupil bureau, think I shall go out myself sometime, and Dudley can give you the names of a full dozen who have gone out under them, all of them doing well. Round Ancaster township and Niagara and Woodstock and those places, "the woods are full of them," as they say in America. Say, Cliff, is it a go? You'll make money and have a good time, and what more can a man want?'

'You'll get nothing from my father,' said Walter with conviction.

'I can but try—there's more ways of getting money out of a man than picking his pockets. I'll do my best for you, Cliff, you may be sure of that.'

A few days later, Rex came dashing into the same room wonderfully elated, telling how he had got Mr. Clifford worked up to give Walter one more chance. He had advanced the money for placing Walter on a first-class farm as a pupil and part owner, the details of the business being worked through Dudley, and now all he had to do was to pack up and be ready to sail by the end of the week.

Walter received the news quietly, put the money that his father had sent him to procure his outfit and give him a start in the new world into his pocket without a word. But after awhile he said huskily, with face averted:

'I'd like to see him to say good-bye. I'd like to look

once upon my mother's grave; she was always—a good mother—to—me.'

'There couldn't be much satisfaction in that, and'—Rex paused, and then went on, 'Fact is, old boy, I took a solemn vow on your behalf that you would not try to see your father or go near Inglewood. The gov. didn't hand over the funds because he had weakened—no, indeed, he's more bitter than ever, but I put it to him like this, I worked on his pride, and what was due himself and the ancient name of Clifford; that rot, you know. How it was just possible if you were pressed to extremities the few little, ahem, follies you had been guilty of would not be a circumstance to what might follow. I put the lampblack pretty thick on that picture, but it worked, my word but it worked bea-u-tifully.'

'You did what you thought best, I suppose, Rex, and I thank you, but—. Well, let it go. I will be bound by your promise.'

All was hurry and excitement until the time of his departure came. Brian Charteris had insisted upon adding to his cash in hand as well as buying his outfit complete, and a whole family going to settle in the wilds of Siberia would not need the amount of luggage—clothing, weapons and tools—that that one modern Englishman took with him to a country not lacking facilities of purchase or sale.

The parting between brother and sister was very affecting—they parted in London, whence Emma was to return home to Inglewood with Charteris, and Walter, accompanied by Dudley, was to go to Liverpool—Dudley having volunteered to see him safe aboard with last instructions as to how to proceed upon reaching New York.

Walter held his sister's hand in a hard, close grip, and he said with voice choked with emotion:

'Em., it's good-bye for ever, unless I succeed. I will drop my old self and my old past when I leave England, and as I'm a living man I will lead a different life. After

I land in America, if you hear from me it shall be from a successful and reformed Walter Clifford, or you will never hear from me at all.'

And she never did.

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## CHAPTER XI.

### A BROKEN ENGAGEMENT.

Brian Charteris had gone home with Emma Clifford with the intention of staying over Sunday, and perhaps longer, at Inglewood.

He had his valet with him and enough raiment to stock a ready-made clothing store, and according to the warmth of the invitation would be the length of his stay.

He was anxious to urge a plea for a speedy marriage, arrange settlements with Mr. Clifford, and enjoy the society of his affianced wife without the distractions that had attended their recent meetings.

This was the evening of their arrival and they were alone in the little parlor where Mr. Birchall had had the unpleasant interview with Mr. Clifford. Brian, by way of breaking the ice was scribbling on a sheet of paper, 'Emma Charteris,' 'Hon. Brian Charteris and wife,' 'Married—At St. George's, Hanover Square, by the Rev.—Emma Benwell, only daughter—'

'By the way, Emmie, I recollect the connection the name "Benwell" had for me. I met a young fellow named Fred, I think it was Fred, Benwell in Switzerland, when I took my young scamp of a nephew there to school. He was a nice, quiet, pleasant lad and he promised to keep an eye on that young limb of ours. I knew I recalled the name, but could not locate the party who bore it. Maybe

he is a relation of yours. His father lived at Cheltenham and was an army man I believe.'

'I will adopt him as a cousin, in my mind, as you say he was nice,' said Emma, but said nothing further, her ignorance of her father's family was rather a sore topic with her.

'Emma Benwell Clifford, or Emma Clifford Benwell, or drop the Clifford and hang on to the Benwell, or vice-versa, which is it to be? It is quite necessary we come to a conclusion upon the matter so that you won't be making any mistake when we get married and the minister—'

'I don't see how you can have the heart to talk about marriage when Walter has just gone away in so sad a manner.'

'That's the very reason my dear child, you want a comforter. And don't you see that life here will be highly uncomfortable. Your father is, in truth, no relation to you, he is cold and resentful in his manner, he will not make you happy, nor allow you any chance to make him so. I leave Oxford after the next exam., if I stay so long, my home is ready for you, my circumstances are easy and my family will welcome you gladly. The most earnest wish of the Earl has been for years to have me marry a nice little wife, and, eschewing all my bachelor habits settle down near them into a model country gentleman on my own nice little estate.'

'And will you promise to reform?' asked Emma, anxiously.

'I? Reform? Is there need?'

'Well, rather. Do you solemnly promise and swear never to gamble, or bet, or play games for money, or frequent horse races, or drink, or associate with disreputable friends?'

'I will swear all these things and many more if you on your part will promise to give up Rex Birchall.'

'Such nonsense,' said Emma, crossly, 'there is nothing to give up, but I certainly shall act toward him as I have always done.'

'Have him for adviser and chosen friend? Have him tagging after you morning, noon and night? Well, if this thing is to go on indefinitely, I don't see what use our engagement or our marriage either can be to me.'

'None at all probably to you,' she replied, with quick-rising anger, 'and less than none at all to me. The engagement wearies me, and as to marriage! Here is your ring, and I have the honor to wish the Hon. Brian Charteris adieu.'

'Do you mean it, Emma?' said Brian, rising abruptly, and looking determined. 'Think well, for I am not a man to be whistled back at a woman's whim. Do you give me up for the sake of this Birchall?'

'I will not put up with your suspicions and insinuations. What are you that you speak disparagingly of a man who, whatever his faults, is not a hypocrite! Take your ring and go. I never wish to see you again.'

Her voice was scornful, her gesture full of disgust, as she motioned toward the circlet of brilliants that lay upon the table where she had tossed it contemptuously.

Brian raised it, and bowing gravely left the room without a word, and ordering his man to pack his traps and with them follow him to Inglewood station in time for the late train, left the house.

Then out into the misty twilight he strode, and walking as if pursued by furies, made for the little country station, arriving two full hours before the train was due.

And so it came to pass that Hon. Brian Charteris left Lincoln College and went abroad, nursing his wrath against the girl he loved, jealous, and miserably unhappy, but quite determined that any overtures for reconciliation should come from Emma, who was the party at fault.

He had seen Birchall only once, in Donovan's room, by accident, and Rex had added fuel to the flame of his wrath by casually mentioning that Miss Clifford had written that Walter had dropped a line from Queenstown, and that he was quite well.

Dudley, who was present and noticed Brian's glare of jealous rage at the smiling face of Rex, said afterward :

'Rex, my boy, you're altogether too bad, you've spoiled that match through your fooling; it's all off between Lucky and Miss Clifford, Miss Arnold tells me, and now what are you going to do about it?'

'Man alive,' said Rex, laughing genially, 'you don't think I want to marry the girl?'

'You might do worse.'

'Perhaps, but I don't intend to. No, Charteris was too——lucky. A set-back will prove to him he can't rule the whole earth. Not but what I like the Hon. Brian, awfully, you know,' with a wicked smile.

## CHAPTER XII.

## SOMERSET AND BIRCHALL.

'Pretty cousin that of yours out at the Elms,' said Rex Birchall. 'Is she rich?'

Philip Dudley looked at his friend with an expression that was positively fiendish, and he said :

'There is just one thing I want you to understand, and that is that if you ever approach Marion Somerset or interfere in any way between us——'

'Keep your threats,' said Rex lightly, 'you can't shake my nerve; besides, hang it, man, I've not only approached the party mentioned but I've talked with her and



walked with her, and in the gloom of the mystic twilight hour have encountered her aged but irascible papa.

'Be serious. Can't you explain what you mean?'

'Well, my dark-eyed friend, it was all done on your behalf. While you were off seeing Cliff on board at Liverpool a letter came to the club for you, scrawled all over with "in haists" and "immejetts," and knowing it was from "your humble but devoted wife," Mattie Spaulding—'

'You dared to open my letter—'

'Keep calm, ke—ep ca—lm, my dear fellow; dare is an odd word to use to me who dare anything. I read it, I tell you, as a matter of friendship; and in it she threatened, if you did not meet her that night, she would go straight to your uncle and display her marriage lines (for strange stories are being told of her) I, at great personal inconvenience, drove out and met her at the old place by the bridge. I pacified her and got her to give me just a peep at those same marriage lines, and they have convinced me that you are a—well, not to enter into technicalities, you're a thorough-paced scoundrel, and, if I'm any judge of handwriting, Crummy Davidson signed that certificate as Rev. Jedidiah Scrubb. He could not fool me. His stutter is as pronounced in his writing as in his speech.'

'Well, get on with your story,' said Dudley indifferently.

'We were just about to part when up through the meadow beyond the copse came walking a veritable goddess, tall and stately and gracious.

'Miss Spaulding slipped away like a shadow, and the fair-haired goddess catching sight of me cried out:

"Oh, Reggie, how glad I am. When did you come?" and then said, reproachfully, "Was that Mattie Spaulding who just left you?"

'I said "Yes," a bit awkwardly, and then, listen, Phil. Dudley! she came up and, before I knew what was up, she kissed me!'

Philip took a sharp walk up and down the room while Rex went on:

'She did, pon honor! Then she scolded me for not coming sooner, asked when I left London, said "Papa" had heard about my secret visits to the Elms and Mattie Spaulding before they knew I was back from Canada, told me that Dennis had said I was here several times lately and that papa was very, very angry; and she wished that I would come home like a good boy and stay, and give up that poor, foolish, ignorant girl who was ready to flirt with anybody. Of course I answered back, and said I had to hurry away to town, but might come down again soon, perhaps. Not knowing the lay of the land I said as little as I could, but what I did say is going to mix things wonderfully for the man who looks like me.'

'Ah!' was all Dudley said.

'I walked up the avenue to the house with Marion (my sister Marion, mark you), and I heard things about that family that is going to come in useful one of these days; and then telling her to keep my visit a secret I got away from her, and then slipping away among the trees if I did not run full tilt into your respected uncle's arms! Oh, but he went for me, my ears burn yet! No wonder your cousin won't live at home with that musty, crusty, cranky old fossil. I sauced him back, and just when he was fairly foaming with rage I walked away, and that's all there is of it except this,' and Rex put into Dudley's hand a creased and soiled piece of paper at the sight of which Dudley smiled a slow deadly smile that spoke of relief even while it spoke of vengeance.

The Elms was an estate of considerable extent within an easy drive of Oxford. It was unentailed and was owned by Mr. Jarvis Somerset, who, though proud, did not disdain to claim descent from that Somerset who in the sixteenth century had the misfortune to lose his head. He was now aged, having married late and his only son's

misdeeds, actual or imaginery, were bringing his grey hairs with sorrow to the grave.

Reginald had always been stubborn. This thing he would do and another thing he would not. Coaxing or threatening moved him not a bit, he would not argue the matter, he merely said nothing but went his own way.

He was strangely like Rex Birchall in size, build, features and coloring, only his teeth were sound and his smile was not very ready, but when it did come it had the quality of depth which Birchall's lacked. Together, the difference between them would be plainly seen, apart anyone might be forgiven for mistaking one for the other.

One evening, a few days after Rex Birchall's encounter with Marion Somerset, a hired fly drove up to the gates of the Elms and a young man dressed in rough colonial tweed stepped out, carrying a portmanteau. He looked in at the lodge but saw nobody, and was about to pass on when the sound of weeping reached his ears.

He stood still a minute, and then entered the comfortable little front room and called.

A young girl came from an adjoining room in answer to his call, and stood before him with drooping head and cheeks whose glowing crimson soon dried up the tears that had left them all stained and blotched. She was a very pretty, gipsy-looking girl, with black eyes that must at one time have danced and sparkled, but which were now dull and heavy with trouble and weeping.

'I am sorry to see you like this, Mattie,' said the new comer.

Is it truly you, Mr. Reggie? I thought at first—'

'That it was my ghost? It's not so bad as that yet, Mattie. You look so changed, worse than I ever feared, though I knew well that your lot these two years past would be a hard one. But now,' he said, simply, 'I have come home to redeem my promise to you. I have made something out in Canada, and now I can keep you well without help from my father. I told him before I'd been

with him three days in London that I was coming down to marry you with or without his consent.'

'What did he say, sir?' anxiously.

'Oh, the same old thing, forbade it, of course, and said hasty words that caused me to take my belongings to a hotel. But whenever you are ready we will be married. I have been true to you, Mattie.'

'Don't say so, Mr. Reggie,' said the girl, sitting down and bursting into tears, 'I never was fit for the likes of you, never. I was always vain and silly, and I've been false to you, Mr. Reggie; there's him as I belongs to, a gentleman he is, and too high for me, but he has my heart and promise.'

'Then why are you sad?' asked Reggie, rising, his voice harsh, but his eyes kind. 'Is he, does he mean right by you?'

'Yes, sir; but it's weary, weary waiting, listening to folks' tongues wag.'

'Tell me his name,' demanded Reggie.

'I darsen't do it, sir; I've promised not.'

'Then I will have to find out for myself, for if he does not do right by you I am going to kill him.'

## CHAPTER XIII.

### AN UNPLEASANT HOME-COMING.

Marion Somerset's reception of her brother, upon this his first appearance in the house of his forefathers after over two years' absence, was very touching. She was of a loving disposition, and for want of any other channel for her affections she had expended all her love upon this man, who responded, truly, but without any demonstrativeness.

As a little toddling infant, she had followed 'Wedgie,' as she called him, wherever he went, unless she was restrained by force; she admired and lauded and worshipped him, and thought and maintained that he could do nothing wrong.

This opinion with years had been modified, but the love had never lessened, and though she had grieved over his infatuation for the lodge-keeper's pretty daughter, and hated as bitterly as her father the thought that he would marry her, yet she had ever defended him through all the stormy times that had preceded his abrupt departure for Canada, and the still more troublous period that was upon them now.

Both Marion and Reggie knew that Mr. Somerset was working up to a scene when he was so scrupulously polite at the dinner table, and when they had adjourned to the drawing-room he opened fire at once,

'My son,' he said, 'did I understand you to say that you arrived in London just two days before you came to us in London?'

'That is what I said.'

'And that this is your first visit (except the other evening when I saw you) to the Elms, or Oxford, or this vicinity since you left, two years ago?'

'It is my very first visit, no time excepted.'

Marion looked at him amazed, incredulous.

'You did not see me one evening in the park down by the laburnum bushes, and speak to me?'

'You know I did not.'

'Perhaps it was some other man who looks like you?' sneeringly.

'It is barely possible. Certainly it was not I.'

'You have not met Millie Spaulding by night, again and again, till her name is a by-word for the rustics?'

'No, not once till this afternoon.'

'You are a liar!'

'Old man, were you but one degree more infirm, even were you twice my father, I would shake you till you

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asked pardon for that word. I do not need to stoop to falsehood. I neither fear nor expect anything from you. You have forfeited all right to my confidence; but this once more I will confide in you that, though for two years we have been parted, if I can persuade Mattie Spaulding to marry me it will make me proud and happy; if not, I shall put in my time as best I may, but I will not intrude my presence upon you. Time was when you might have won my everlasting gratitude by giving me a helping hand, and making my life's happiness possible, but if through you what I deem most precious has been stolen from me, you shall have my life-long contempt and execration.'

The old man had been standing close beside him as he spoke low and calmly, and his round red face with its snowy beard and scant white locks surrounding it had been growing more intensely red, and as Reginald finished he raised his clenched fist and struck him full in the face.

Reggie caught the hand in a grip that was like iron and held him fast, and turning to where Marion sat, with a white, frightened look in her beautiful eyes, a spectator of this distressing scene, he said, with a smile that had a spice of contempt and mockery in it, 'Shall I shake this stern parent of ours, whose dotage seems to be upon him, or shall I overlook the blow like all his other sins against me?'

He dropped the old man's wrist, even as he spoke, and turning his back upon him walked over to his sister and kissed her lightly on the brow.

'Good-bye, sis,' he said, doggedly, 'I shall never come back again while my father lives.'

And thus Reginald Somerset left home once more, walking with a steady determined stride through the old familiar park and meadow on to the copse that screened the approach to the little rustic bridge that had been

their trysting place in his boyish days when he first loved blackeyed, saucy Mattie Spaulding.

He walked slowly here, thinking rather sadly of past and future, when from beyond the sheltering bushes he heard voices, and, listening intently, crept forward. He could make out that the forms were those of a man and woman, but the darkness hid the rest.

He could distinguish that the woman was Mattie Spaulding, and that she seemed agitated. The man's voice he heard distinctly, but not his words; he seemed to be soothing her and giving her directions or council, and as they parted he put into her hand something that might have been a purse. As Mattie turned something white slipped from her dress and fluttered down close to Reggie's feet.

Somerset let Mattie go unchallenged, but quietly set out to follow her companion. The man wore leather leggings, corduroys, and short brown velveteen coat and a small peaked cap, and in his hand he carried a riding whip. This Somerset noticed as the man passed a blacksmith's shop where the ruddy glow from the forge lit up the darkness. He began to gain upon him, but when he had almost reached the little wayside inn Somerset saw the stranger vault into the saddle and flipping a coin to the hostler, who had held the bridle, he put spurs to his horse and galloped off.

'I would know him again anywhere by voice and appearance,' muttered Reggie, 'and if he's playing false to the girl I loved and who once loved me, he'd better look to it! I suppose he's the man my father mistook for me.'

That same night Mattie Spaulding left her home without a word or line, and the presumption was that she and 'Master Reggie' had gone together, 'and quite time too,' the old dames whispered to each other, with wise waggings of the head.

That same afternoon, the day upon which the flight of Mattie Spaulding was discovered, Philip Dudley was at



his lodgings, seated upon the table talking to Rex Birchall, who was astride a chair with his chin resting on its back. They were laughing and making so much noise that a footstep approaching the door and a gentle knock upon it was unheard by them. Philip had just returned from a flying visit to London, and had described the events of his journey, and was hearing from Rex of a row there was in college over a wine supper he had given to a dozen of the fellows the night before, whereat Lynch had got blind drunk, and in going home Donovan and Lynch had undertaken to tussle with a policeman, and had been taken in charge.

A louder knock attracted their attention and calling out, 'Come in, and be hanged to you!' the door was opened a very little bit, and the face and form of Marion Somerset stood revealed.

Dudley leaped from the table so energetically that he sent it over with a crash, inkstand, paper, tobacco jars and miscellaneous articles flying in all directions.

His face flushed hotly and his usual *sang froid* deserted him entirely, and Rex, looking at him, saw very clearly that what he had before suspected was true, Dudley was madly in love with his cousin; and equally clear to his quick eyes, was the fact that she neither liked nor trusted Dudley.

Marion had started at first sight of Birchall, but the momentary resemblance she had noted was gone as he threw back his head and laughed broadly, showing his unsightly teeth, to see Philip trying to repair the wreck he had caused by throwing the table over.

Marion refused a seat, saying that the carriage was waiting outside, and she was in haste. That morning her father had had a slight apoplectic seizure, she told Dudley, and it had alarmed him so that he desired to have his lawyer summoned and his nephew, Philip, also. 'He has quarrelled with Reggie again Phil,' Marion said in a low tone, as they stood apart near the door,

and he means to alter his will. Mattie Spaulding has left home, went away in the night, and Reggie was seen talking to her in the evening down by the rustic bridge. I came to ask you to find him for me Philip, find him and bring him back; for father will not last long and if he should die and they estranged see how terrible it would be! He must not make his will feeling as he does against Reggie.'

'I will do my best,' said Philip, 'but in the meantime I will go down and see my uncle as he wishes.'

'I thought perhaps you would try to trace Reggie, and not go down to papa. You know his old lodgings in Russell Square, and he will perhaps go there, and besides,' with a wintry smile, 'I would rather you did not come to the Elms. I think papa meditates making you his heir instead of Reggie.'

Philip's soft southern eyes flashed with the greed of gain, and turning to Birchall he said, 'Mr. Birchall allow me to present you to my cousin, Miss Somerset.'

Marion bowed frigidly and Rex, with an easy familiarity that had a sort of charm, acknowledged the introduction, keeping his smile in full play.

'Mr. Birchall is going up to London by the evening train, Marion,' said Philip, 'and he can trace Reggie as well as I, so that your will shall be obeyed as well as my uncle's. Rex can hunt up Reggie while I put in a good word for the headstrong boy, with his stern parent.'

'Would you, though, I wonder?' she said, thoughtfully. 'It is hardly fair to trouble a stranger with our family affairs, perhaps Mr. —'

'Oh, as to trouble' said Rex, readily, 'anything I can do for Miss Somerset will be quite a pleasure I'm sure. Trouble? don't mention it!'

'I will see you to the carriage Marion and then return and give Rex directions as to how to proceed in London. Can you give me a lift then, or shall I go out by train?'

'There is plenty of room in the carriage,' she said coldly.

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When Phil returned Rex said grumblingly, 'You're a sweet pill upon my word, to send me off on a wild goose chase like this.'

'Oh, dry up,' said Phil, 'do you think I want my cousin found. No, that's not my game. What I want you to do is to *keep Reggie in Oxford till I can settle him*. He's down at the Clarendon, I know that much, the rest I leave to you.'

## CHAPTER XIV.

### MISTAKEN IDENTITY THAT WORKED BOTH WAYS.

'What do you thing of Birchall?' asked Phil, as he and his cousin were on their way to the Elms.

'I did not notice him particularly,' said Marion, 'except that he dresses in execrable taste and has poor teeth.'

'Does he not strike you as resembling somebody you know?'

'At first sight he looked like Reggie, but afterwards I could see very little resemblance. Reggie is much better looking.'

'Could not mistake one for the other by any means?'

'No, not even in the dark.'

'I was never much struck by the resemblance myself,' said Dudley, with a look of relief. 'It was a young lady who claimed to be a friend of yours, Miss Clifford, who called my attention to the likeness, which she thought was great.'

Philip branched off into other topics and no more was said on the subject.

Birchall, after Dudley had left him, strolled down to the Clarendon but learned that 'F. A. R. Somerset,' whose bold signature ornamented the hotel register, had gone

out. He therefore made his way to 'the club' and entering saw Martin and despatched him with a note to Barnes, the livery man, and sat down to wait for the reply. He had been there but a few moments when some one entered and closed and locked the door behind him. Rex looked around with surprise, and then seeing that it was a stranger he stood up, favored him with a long, insolent stare, and then made an offensive remark, coupled with words to the effect that it was like his impudence. They stood facing each other, Reginald Birchell and Reginald Somerset. They noted their points of resemblance and their points of difference in the long stare that they levelled at each other, and then Somerset drew a pistol, and cocking it said:

'Excuse my rough methods, but I come from the Canadian backwoods where they talk emphatically, and I want a little talk with you.'

'Same kind of talk?' asked Birchall, equably, drawing a pistol from his pocket and levelling it with nice accuracy.

'Are you John Bambridge?' demanded Somerset.

Rex started slightly at the name, then he said coolly:

'You may call me that if you choose, I have no greater attachment for one name than another. Come, sit down and tell your business, Mr. Canadian.'

Somerset sat down, laying his pistol on the table close to his hand, and beginning to be a little ashamed of his stagey proceeding. He was favorably impressed by the happy-go-lucky, cool, dare-devil style of the man who looked like him, and he spoke out plainly as was natural to him:

'If you are John Bambridge you are the man who wrote this note'—passing across the table a half sheet of note paper that had evidently been crumpled up into a ball.

Rex took it and read aloud: 'Meet me to-night at the old spot. Important, John Bambridge.'

'If you are the man who wrote that note, and which I picked up at the rustic bridge down by the Elms last night, after witnessing your parting with Mattie Spaulding—if you are that man, and having seen you I have no doubt you are, I have a few plain words to say to you.'

'Fire away, I'm the man, sure!'

'Do you intend to marry her?'

'Good heavens, no, Mr. Canadian! Why should I?' said Rex, good-humoredly.

'I will tell you why: Two years ago I left home to fight my own way in the world so that I could marry and support the girl I loved. She loved me and promised to be true, and I worked for her against heavy odds and was successful. I came back to marry her and find that she has been false to me, that some villain has ruined her. You are that vile, black-hearted scoundrel, and you tell me to my face you do not intend to marry her!'

The light broke clearly over Birchall's mind and he saw the mistake that was being made, that he was looked upon as the principal in this disgraceful affair, instead of second. His first impulse was to deny his culpability, but then the quick thought came, 'I'll be getting Dudley into trouble, and as Dudley knew all about his cousin's claim and played Judas it will look blacker for him than it does for me,' and his rough sense of generosity, and fidelity to his friend made him temporize.

Somerset demanded an immediate marriage as the only reparation possible, and in default, death at his hands.

Rex seemed impressed, and talked vaguely about intending no harm, but that he did not see his way clear to get married, and talking in a semi-penitential, semi-blustering way, he began to pace the floor, leaving his pistol on the table. Talking as he went, with each turn he came more close to Somerset, and at last with a sudden spring took him unawares, and grasping him round the middle, lifted him, chair and all, and threw him to the floor with a crash. Then before Somerset could recover

from the stunning effects of the fall, he picked him up bodily and carrying him to the door of the inner room, he cast him down unceremoniously, and closing the door, locked and bolted it securely.

Then he sat down and laughed long and loud, and holding his sides, he said:

'My word, but that was a pretty summerset!'

When Martin returned Birchall went away, locking the outer door, and, giving Martin the key, told him not to give it to anyone but himself or Dudley, or upon their written order. Then he mounted a horse that stood ready for him before the door, held by a groom, and galloped off for one of those rides he delighted in, and which he indulged in so often.

He left a note at Dudley's rooms, telling him where his cousin was, and advising him to have him spirited away at his earliest convenience. Leaving there he encountered a dozen of his boon companions, the most reckless spirits in all Oxford, evidently in quest of adventure, their mad mood promising unlimited larks. Birchall was carried off by them, and soon assumed his rightful place as leader.

They visited their usual haunts, going from place to place, growing more uproarious as the evening grew older, winding up at last with a champagne supper at Birchall's rooms. Then, to crown and conclude the 'sport' they went through the streets of Oxford, yelling, whooping, ringing door-bells, demolishing signs, smashing street-lamps, dancing, and making night hideous.

They had reached a point near where the club was situated, when Rex, intoxicated as he was, thought he could see an ambush of the police a little further along the square. He waited till he came opposite the familiar doorway, and then falling to the rear he shouted, 'Run for your lives boys!' gave a terrific war-whoop, and while they scampered off in all directions, he slipped quietly into the hallway, and getting the key from Martin, went

up stairs, and leaving the door on the latch and the room unlighted, sat down before a table and fell fast asleep.

The first sensation he had was of a difficulty in drawing his breath, which he struggled with helplessly as one does in a nightmare; then a feeling of being lifted and carried clumsily, followed by an introduction into a cooler atmosphere, penetrated his senses, and he awoke to feel that he was being bundled into a cab and driven away.

'Somebody's abducting this interesting orphan,' he said to himself, philosophically; 'I wish they had set me where I could sleep comfortably, and would take this beastly gag out of my mouth. Whoever is playing this joke off on me is going to be paid out, now, there is not a doubt of that! Hands tied, ankles tied, and comfortably tight too, eyes bandaged, gagged, phew! how I'd like to spit the horrid thing out!'

Presently the vehicle stopped and he was dragged like a bale of goods into a place that smelt very much like a vault. His hearing was very acute, keen as a red Indian's, his senses were all on the alert, and the sound of whispering, though very low and at a great distance came to him. An exclamation hissed out sounded familiar, and bending his head down suddenly, before the party that held him fast could prevent, he doubled his supple body like a contortionist and managed to take hold of the cloth that covered his mouth, with his tight-bound hands, ejected the gag, and said:

'Dudley, you fool, you've nabbed the wrong man!'

An execration fell from Philip's lips as he tore the bandage from Birchall's eyes, and seeing that it was really he and not Reginald Somerset he burst out into prolonged mirth, and said:

'You see, old man, how "mistaken identity" works from the other direction. When I opened the door with my latch-key I saw you before me sleeping tranquilly. I tied the rag in your mouth with my own hands, and though the dark lantern flashed right on your face I did not know the difference! Ha! ha! ha! ha!'



'Well, perhaps it's funny, I'm no judge, but I've a mind to make you laugh "from the other direction." What were you going to do with me?'

Philip laughed and said, 'Only keep you quiet for a day or two till my uncle had a chance to substitute my name for his son's in his will. Then I would have shipped you out of the country.'

'And what do you suppose I'd have been doing all that time?' returned Rex, scoffingly.

Then growing serious he said, 'Look here, Dudley, I've helped you in lots of sealey business, I've taken the burden of your misdeeds pretty often, but if you think I'm going to aid and abet murder and such-like crimes you've mistaken your man. Take away a man's girl if you can, marry his sister if she'll have you, get his father to disinherit him in your favor if you like, but let the poor beggar have his life if it's any use to him!'

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## CHAPTER XV.

### TREADING THE DOWNWARD ROAD.

There was a tremendous row over the rowdyism of that night, and through it there were several expulsions, Algernon Davidson and Jerry Donovan being among the number who were rusticated.

Birchall had gone out of town; he was supposed to have left on the previous afternoon, it being a point of honor with all culprits to screen any companion who had the luck not to get caught.

Reggie Somerset was with Philip Dudley at his lodgings. Whatever plot against his life or liberty Dudley may have conceived he had apparently abandoned it, for

he had gone to his cousin's place of durance and liberated him, telling a plausible tale of how he came to learn of his whereabouts. But to Reggie's inquiries for John Bambridge he could give no information. He had never heard of such a man, did not think there was such a name in Oxford, or a man of his description, knew nothing of the rooms where Reggie had been confined, knew nothing, absolutely; and Martin, the caretaker, was in just the same state of dense ignorance.

He could learn nothing of John Bambridge, but still he waited and watched for him, living secluded in Dudley's rooms.

Rex Birchall had not been idle. He had been to the homes of both Crummy Davidson and Donovan, where the black sheep were received with very scant welcome, and, in his cheery, plausible way, and not without a good deal of trouble, he succeeded in inducing Davidson's father, who was a wealthy brewer and had several sons who were a credit to him, to send Crummy out to Canada as a farm pupil, as Clifford had gone.

Donovan's father was only a lawyer and so could not afford heroic measures to cure his son of folly, so Jerry was left to shift for himself, and, free from the old Oxford associations he soon settled down and following in his father's footsteps is likely to become a famous advocate.

In Davidson's, as in Clifford's case, all negotiations were entered into through Dudley; and another Oxford man who had got into difficulty was sent out to Canada in the same way, and was Davidson's companion.

When Birchall returned to Oxford about a month after, Dudley informed him that his cousin Reginald had grown tired of waiting with a loaded revolver for the betrayer of his sweetheart, and had taken himself off for parts unknown, presumably back to Canada, where he had been doing well and had two fine farms in the vicinity of Niagara,

Rex did not seem interested, but simply remarked that there would be quite a colony of people they knew out there soon, and then, turning round sharp on Dudley, he said:

'How are your love affairs getting on?'

'In what direction?'

'The stately Marion, of course. Is she going to swallow her repugnance and marry you, or has she refused to be sacrificed? I want to know, because I think I would like her myself.'

Whether the words were said in a spirit of mischief or whether Birchall had really been attracted by Marion's gentle loveliness, is a matter of doubt, but from that day he began to cultivate the acquaintance of Miss Somerset.

In his rides and drives the Elms was ever his objective point; if he rowed on the upper stretches of the river it was apparently for the mere pleasure of seeing the chimneys of the old stone house or watching for a white-clad form that flitted among the trees at the crest of the river terrace. And Marion grew to like him and confide in him in her loneliness, for her father was now a helpless invalid whom any sudden shock might instantly kill.

From Philip Dudley she shrank with abhorrence, now that her father had made a will in his favor. With all his good looks and his fascinations, which were so potent with other women, he had never been able to win even toleration from his cousin. She had always hated him, because from the day of his advent among them he had been the good, pious boy, whose admirable conduct showed in such strong contrast to her brother's wilful, headstrong ways; and in her pure heart she knew intuitively that his goodness was all in outward seeming and that in mind and life he was vileness itself.

She had refused him again and again and he still obtrusively pursued her, and she felt at length that she would be almost willing to marry him to put an end to his endless wooing. But with Birchall's advent came relief.

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She liked him because he reminded her of that dear brother whose disappearance was so deep a grief to her, and besides he was always jolly and full of fun, and so cheerful a companion in that dull house. And if the friendship did not ripen into love there was all the outward signs that it had, and when Mr. Somerset and his daughter left the Elms for the continent, where the old gentleman was ordered to try some German baths, it was thought by all that an engagement existed between Marion and Rex Birchall.

Though the old hilarious crowd had been partially broken up by the expulsion of Clifford, Davidson and Donovan, Rex was the leader among a numerous following and by degrees he fell into more pronouncedly disreputable ways, lost what social standing he had gained through his really brilliant gifts and his adaptability, and gradually sunk till none but worse men than himself would associate with him.

Just before leaving Oxford a rupture of the friendly relations between Dudley and Birchall took place. Dudley had always taken pains to keep out of his most riotous scrapes, always managed to stand well with the college authorities, attended lectures regularly and pursued his college course with distinction, while at the same time he was a favorite in fashionable society, and was sought after by both the rough and studious elements of the undergrads.

Birchall's friendship with Miss Somerset was the first thing that awakened Dudley's hatred and after that fear of him but deepened his dislike.

One day as they were seated together in Birchall's room, Dudley said:

'I should think you were pretty well ruined, Rex; you can't have much peace, being hounded as you are by your creditors. Why don't you cut Oxford, and try the other side of the water?'

'My creditors don't trouble me,' said Rex, gaily, 'it's good sport setting my dog on them. How they jump

when he puts back his lip and shows his fangs! And if I leave the country, you may wager your last sixpence you won't make any commission on putting me into the clutches of your emigration bureau! I've put a lot of business in your way, my dear boy, but after this, recollect, *I'll pluck my geese and eat them, too!* Crummy Davidson writes home that he has been put to sleep in a loft with a German farm labourer; he has to milk cows and feed swine, and wash at a pump; his money was confided out of him in New York, and he's penniless and disgusted, and wants to come home.'

'You don't hold me accountable for the work of Yankee sharpers, do you? Nor for the discomforts of pioneer life? My cousin, Dudley, is well satisfied, and scores of others that I've helped to place. Crummy is a fool, and would be taken in and abused wherever he went. He's fair game.'

'It's queer that we don't hear from Clifford!'

Dudley turned ghastly white for a moment, and then laughed, awkwardly, and acknowledged that it was.

'I think *there's money in it*,' said Rex, 'and when I act as emigration agent in future, I'm going to have my share of the spoils, if I don't take the whole of them. Mark that, friend Dudley.'

Dudley did not know whether Birchall was in earnest, whether he really suspected Dudley of foul play, or if his insinuations and remarks were all idle talk, but a coolness sprang up between the two men, and they drifted apart, and when Birchall left Oxford suddenly, as he did, in 1888, they had ceased to recognize each other.

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## PART II.

### IN LONDON.

#### CHAPTER I.

##### YOUNG BENWELL ENCOUNTERS MISS SOMERSET.

It was a raw, damp day. Rain fell with a dogged persistency that was most irritating to pedestrians. It was a penetrating drizzle that oozed its way into every spot or crevice that was exposed to its influence, made the London pavements slippery with a fine slime and made walking or driving equally unpleasant.

Coming out of a shop in Cheapside a young man stood for a moment and looked up at the leaden sky while he unfurled an umbrella and turned up the collar of his macintosh coat. He walked quickly till he came to a corner and then was about to enter a Holborn & Oxford omnibus, which was apparently almost filled with passengers inside, but seeing a lady step up evidently with the same intention, he moved aside and allowed her to take the one inside space that was left, and then himself mounted to the outside where there was no lack of room. The sweet, appreciative smile that was flashed upon him from a pair of soft hazel eyes warmed his heart but did not help a particle in keeping his body dry, and long before the Holborn restaurant was reached he felt extremely uncomfortable.

Without being good-looking, Frederick Benwell's face had about it an open, disingenuous look, an expression pleasant and straightforward. Frankly and fearlessly he

looked out of a pair of short-sighted grey-blue eyes, willing to take the world as he found it and leave it no worse for his living.

As his condition grew more disagreeable, his rather thick upper lip protruded more noticeably, giving his face a stolid, almost a sullen look, which was contradicted by the patient good humor of the eyes.

A hasty observer would have looked at him with his thick, almost black hair, dark skin, full temples and receding brow, his large Roman nose, the rounding contour of his cheek and chin, and have set him down as a reserved young Englishman, inclined to sulk. But a close observer would have more clearly seen the character of the youth, and would have more truly appreciated his sterling qualities. He had during his life been frequently misjudged, but he never made any effort to correct any erroneous opinion of him. He suffered through it, being sensitive, but shrank from asserting himself, and let time, the great revealer, exhibit him in his true light, or leave him unappreciated to the end.

As the bus stopped at the Holborn restaurant, Benwell saw the lady, whom he had before noticed, alight, and as she did so she glanced up at him, where he sat huddled up in the rear corner, with a look of grave sympathy. As she stepped out, Benwell saw that a small satchel that had been hanging upon her arm had become detached and fallen to the pavement.

It took but a moment for him to reach the street, pick up the satchel, and hasten after her. It was beginning to grow dusk, and Southampton-road was alive with people hastening homeward. Benwell managed to keep the slim, black-robed figure in sight till close to Russell Square, when some passers-by intervening he lost her, and when he reached the square, which was almost deserted, she was nowhere to be seen.

Up and down in the gathering gloom he walked past the tall rows of lodging-houses, their dingy red faces



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looking dingier than ever in the dampness. Eminently respectable looked these houses in their dull uniformity—the same area railing, the same green blinds with their white tapes, the only difference being that some bore more the stamp of age than others; the same entrance and the same legend—'Rooms to Let, Enquire Within.' All round the square he paced, peering at all the windows through his eye-glasses, but seeing nothing to indicate the particular abode of the owner of the satchel, he at last gave up in despair, turned his back upon the garden that ornamented the centre of the square and retracing his steps continued his interrupted journey, still keeping possession of the lost property.

In his room that night Benwell searched the small black morocco handsatchel with its silver mountings, and engraved monogram, 'M. L. S.' on the clasp, and handle broken off at the side. There were a dozen photographs with the name, 'Mayall & Co., No. 164 New Bond Street, London,' upon them, pictures of a white haired old man, and evidently copies. There was with them a proof of a photograph of the owner of the satchel, a remarkably fine likeness even in its unfinished state. Benwell gazed upon it admiringly, and the clear, true, though mournful eyes seemed to look back at him with something sad and prophetic in their steady gaze.

There were some receipted bills, having the name, Miss Somerset upon them, that were for rather large amounts, and being dated that day, showed plainly that her trip to the city had been upon business. There was no card or address, nothing beyond the name to indicate to whom the satchel belonged. It contained also a purse with a couple of sovereigns and some silver, and in an inner pocket a letter on thin paper, written in a small, round text.

Benwell hesitated for a moment before reading the letter, but thinking it might contain a clue, concluded to do so. It was without date or headline and ran as follows :

'DEAR COUSIN MARION :

'Your action in leaving The Elms and taking up your residence in London lodgings, is incomprehensible to me. The will of your father should most certainly be contested, as he was undoubtedly mad when he made it. It is an outrage that for five years the estate that belongs by right to you should be tied up, and your income be restricted to a beggarly allowance, not to mention the injustice to me, who have all my life been led to expect a substantial legacy. If Reginald is alive, which I sometimes doubt, he has hidden himself away in some obscure retreat abroad with his low-born companion, and will probably never return. One good result your refusal to contest the will will have, and that will be the breaking off of your engagement ; your disinterested lover will hardly hold you to your promise now that the prospects of your wealth are so misty ! Why will you not believe me when I tell you that he never cared for you, that your expectations were your sole attraction ? Why will you not discard him and accept me, who have loved you truly all your life ? Marry me now, while fortune frowns upon you, and prove my love. I could make you happy. I would guard you and care for you. Promise to see me just once more, and let me urge my suit for the last time.

'Ever devotedly yours,

'PHILIP V. D.'

When Benwell finished reading the letter which told so much without telling him anything he wanted to know, he sighed. He took up the photographic proof and looked at it for a long time, and at last he said to the eyes that looked so kindly at him and the firm lips that seemed to curve into a sad smile :

'I'm very sorry you're engaged !'

## CHAPTER II.

### A JOYFUL SHOCK THAT KILLED:

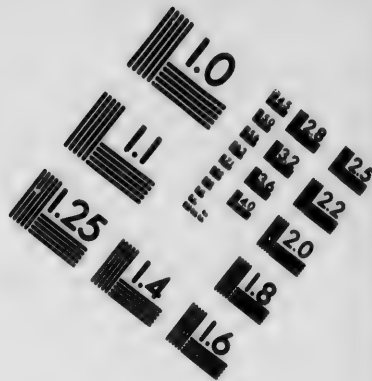
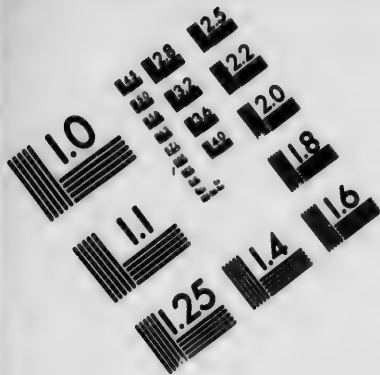
It will be necessary to go back a little to explain how it happened that Marion Somerset should be living in London lodgings alone.

Returning from the continent some months before she and her father remained over in London, and instead of going to a hotel they went to the lodgings that had in the past been Reginald Somerset's retreat when there was trouble at home.

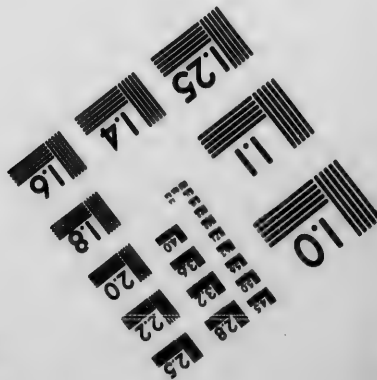
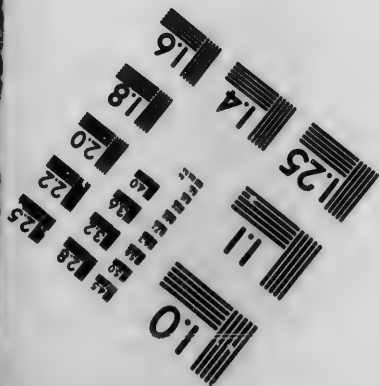
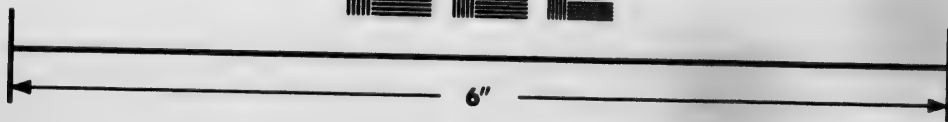
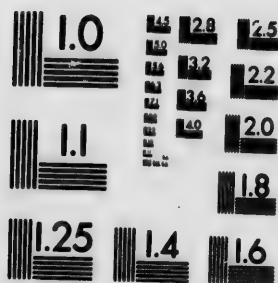
The lodging house was kept by a man who had years before been house-keeper at the , but had left to be married and being shortly afterwards left a widow, she helped out her scanty income by letting rooms. Mr. Somerset had greatly improved in health and seemed likely to last several years yet, and one day when Marion was out upon a shopping expedition the postman brought a letter addressed to him in an almost illegible scrawl. It was from Mrs. Spaulding, mother of Mattie, and was to the effect that her daughter had come home to die and was now laid away to her rest, but before she died she had told her mother that Mr. Reggie was not the companion of her flight, nor had she seen him excepting once since he first went to Canada. She refused to tell the name of the author of her ruin, but said that she had been married to him in Oxford and had had her marriage lines until a man named John Bambridge, a friend of her husband's, had got them from her and would not return them. She had gone to London where her husband for a while supplied her wants, but growing tired of her had told her the marriage was not legal, had cast her off, deserted her and broken her heart.

The old man, stricken to the heart with remorse for the way he had treated his son, despatched a messenger for a lawyer, and before Marion returned he had made a new will which left everything absolutely to his son with directions that he should make what provision he chose for his sister and cousin. The estate was to be left in the hands of trustees until Reginald could be found, Marion to be allowed a specified income, but if Reginald did not return within five years the estate was to be divided equally between Marion and Philip Dudley.





# **IMAGE EVALUATION TEST TARGET (MT-3)**



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Sciences  
Corporation**

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The old man, feeling weak and stricken, was sitting in the gloaming when Marion returned. He heard her footfall on the stairs and a heavier step that followed it. The door was thrown open and Marion said, with a sort of excitement in her tone:

'Father, are you there? I have a visitor to see you.'

The old man had been thinking of his son with tenderness and contrition, had been wondering if he should see him once more before he died, and, looking up, he saw his daughter and just behind her the figure of a man. Just then the fire burst into flame and the ruddy gleam lighted up both faces, and tottering forward with outstretched hands, the old man said:

'Reggie, my son, forgive!' and falling forward on his face, expired.

'He thought you were Reggie,' said Marion to Rex Birchall, as she stooped over the stricken form, and then cried out wildly that he was dead.

But the letter that Mrs. Spaulding wrote was never seen by Marion.

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After that when Marion returned to London she saw little or nothing of Rex Birchall, although he had left Oxford and was endeavouring to make a living in the great Metropolis. He had grown tired of Marion and wearied of the acquaintanceship, but not wishing to give her pain, still maintained the old attitude toward her when they met.

Meeting Dudley unexpectedly one day, Dudley stopped him and said:

'We have not been friendly of late, Birchall, but for the sake of old times will you tell me if you still intend to marry my cousin?' His manner was abrupt, but he seemed in deadly earnest, and that the matter was of vital importance was proven by the hard indrawing of the breath and clenching and unclenching of his hands.



Rex looked at him and said slowly, 'No, I don't, if you're anxious to know; and if you want to do me a favor you can tell your cousin so. It would pay me a great deal better to play the part of her brother than her husband.'

Idle words thoughtlessly spoken, but they recurred to him afterward, and were one step on the road that led toward the gallows.

His life in London was characterized by much the same conduct as it had been at Oxford, though necessarily less noisy, but all at once a new element was infused into his life.

It was at an evening party at the residence of Mrs. West-Jones that Rex Birchhall first met pretty, winning, vivacious Florence Stevenson, with her fair face and bright eyes. He fell at first sight madly in love, and Miss Stevenson was not long in returning his love in fullest measure.

The course of true love did not run quite smooth for them, and Rex Birchhall was too impatient and impetuous, and moreover too deeply in love to wait for time to win the consent of her father to their union, and so, taking the law into his own hands he urged an elopement, and on Tuesday, Nov. 27th, 1888, the following notice, startling to many of the friends of both parties, appeared in the *London Times*:

'On the 19th instant, by license at Croydon, Reginald Birchall, youngest son of the late Rev. Joseph Birchall, Rector of Church Kirk, near Accrington, Rural Dean and Proctor in Convocation for the Archdeaconry of Manchester, to Florence Stevenson, fourth daughter of David Stevenson, of Maberley Road, Upper Norwood.'

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## CHAPTER III.

## A DAWNING LOVE.

One day, it was a bright summer day, when Russell-square was alive with nurse maids and perambulators and little toddling youngsters rolling on the grass or scampering up and down the gravelled walks, a dark-complexioned, clean-shaven young man was walking along the pavement trying to look as if he had business there but failing signally.

Whenever he had been in London since the day he had found the satchel Frederick Benwell had taken the Holborn 'bus, and getting out at the selfsame spot had wandered along Southampton Road and around Russell-square, but had never yet had his toil rewarded.

But at last fortune smiled upon him and out of the corner house, at whose windows he had looked so often, came gliding the graceful figure of Marion Somerset, and with a book under her arm and a key in her hand she went towards the entrance gate of the garden.

Benwell stepped forward hastily and intercepted her, lifting his hat politely.

'Why, is it you?' said Marion, lifting her clear eyes to his face and recognizing him instantly.

'Thank you,' he said in a manner that was humble yet elated. 'I hoped you would remember me. I have tried to find you ever since that day, now so long ago.'

'You are very kind,' she returned, and then upon a sudden impulse she added, as she unlocked the gate, 'Would you like to come in?'

Then he told her of why he had sought her and of how he had advertised the lost article but had received no re-

ply, and of how he had treasured her photographic proof until it had faded all away, and vanished into blackness.

He told it all in such a straightforward boyish way, diffidently rather than boldly, that Marion was drawn towards him and encouraged him to talk and tell her all about himself and his occupations and aims.

He told her of his home life, of his exploits at Cheltenham College and in Switzerland, of his residence in New Zealand, and his liking for adventure and a free open air life uncramped and untrammelled.

He amused and interested her, she began to feel toward him as toward a younger brother—not that he was younger, but he seemed like a boy, for she counted her age not by years but by sorrow.

He appointed a time for returning her lost property, and when he came, Marion welcomed him sweetly. He expected she would have made some remark about the letter he had read but she did not, and he could not summon up enough courage to broach a topic which he had learned of in such a surreptitious way; and so for want of a little plain speaking a mistake went uncorrected that perhaps altered the whole course of their lives.

Benwell had gone to Russell Square many times, and was upon terms of great intimacy with Marion, and had never encountered any man nor seen any signs of a lover's presence; but one evening when he had come from Cheltenham, unexpectedly, he called and found that Marion had company.

He had run up, as often previously, to Marion's parlor, where she and her solemn faced chaperon received him, when through the open door he saw reflected in a mirror that stood at an angle in the corner of the room, a picture that set his heart to beating strangely.

A very handsome man dressed in evening clothes, with a camelia in his button-hole, was bending toward Marion with impassioned love in every line of his countenance. He was holding her hand, and as Benwell

watched, he pressed it against his heart, and seemed as if about to draw her towards him. Marion's face was averted so that its expression was lost to the spectator, but he thought to himself bitterly that she could not possibly be aught but happy at the wooing of so strikingly attractive a man.

He turned and walked away, and as he went he vowed he would never return. He felt his danger and determined to flee from it. He had been blind, he had not seen whither he was drifting, he thought he had been secure, knowing of Marion's engagement and thinking of the little girl who had had his boyish love. He did not acknowledge that the love of his manhood had come to him, but bravely with all his strength he sought to battle with it.

It was while he was in this frame of mind that a chance to go to Canada presented itself, and he felt inclined to go, but how could he decide before once more seeing Marion?

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## CHAPTER IV.

### BRIGHT METEORS FLASH ACROSS A CANADIAN SKY.

Late in November, 1888, a young English couple arrived in Woodstock, and were known by the name of Mr. and Mrs. Somerset. Mr. or Lord Somerset, as he was generally called, representing himself as a son of Lord Somerset, and heir to the title, was of dark complexion, sharp features, dark mustache that curled at the ends, and an ever-ready smile that revealed some badly decayed front teeth; and anyone who had known Rex. Birchall in his Oxford days would have had no difficulty in recognizing him.

His wife was a pretty blonde, with abundant fair hair, easy manners, and seemed a refined and cultured English lady.

They put up at the house of a Mrs. John Mackay, and spent large sums of money, and very soon became the central figures in a rather fast circle that soon gathered round them.

They were made much of, as English aristocrats expect to be when they come to the colonies, were lauded and deferred to and imitated, and probably in all his life, so full of incident, Rex Birchall never so thoroughly enjoyed himself as while astonishing the natives in the thriving, bustling town of Woodstock, Ontario.

He had come to Canada with the avowed intention of learning farming, and indeed had been put in communication with Wm. McDonald, at that time an agent for the firm of Ford, Rathbun & Co., of London, England, Emigration Agents. Rex came to him as a farm pupil, and was placed by McDonald on the Wilcox farm, in Dereham, where he stayed just one night.

That was quite enough for Rex. He had come, not so much to learn farming as to look into the workings of the farm pupil business, and what he saw satisfied him that the plans adopted were too crude and rough, and that if he were laying plans he could make great improvements in the system.

All his inquiries, carefully prosecuted, developed no trace of Reginald Somerset, nor of the farms Dudley had told him he had owned. They were certainly not in the vicinity of Niagara, and if he had ever been in Canada, Rex could learn nothing concerning his residence there, and so quite in the dark as to the locality in which the farms were situated, any idea of personating the man who looked like him, and getting possession of his land, was utterly impracticable.

He believed firmly that Somerset had met foul play at the hand of his cousin, and would have been a pretty

plot to be able to establish his identity as Somerset in Canada, and then, after a lapse of time, before the five years that were specified in Mr. Somerset's will had expired, to return to England and lay claim to the Somerset estate as sole heir.

It would have been a bold scheme, commending itself to the daring spirit of Birchall, but here at the outset the way was blocked.

So, nothing daunted, he set to work to enjoy himself, and managed to do it very well. He was very fond of display, dressed remarkably, often wore a fancy vest of bright colors, English leggings and riding breeches, and drove a tandem team. He drove very much, and explored the country for miles around in every direction, accompanied by a young man called Dudley, (who bore a strong resemblance to Philip Dudley, though neither so good looking nor so tall.)

Frequently he visited the farm-houses and was particularly fond of chaffing the pretty girls who came in his way. He was fond of sport too, and went on several occasions, sometimes with a party, and sometimes alone, with a single companion, into the mazes of the SWAMP OF DEATH in search of game.

It was a gruesome spot. Here and there indistinct trails led in from the roads through masses of dense undergrowth, the scrub being in many places quite impenetrable. Dark, dank morass was on every side, in which one stepping unwarily might sink and struggle for hours without being able to escape from it. It was a spot shunned by all but sportsmen, or those who, through necessity, went in for such wood, or shrubs, or bark as the place afforded; very rarely even would a prowling tramp venture in, so uncanny was its appearance and so bad its reputation. In the recesses of this swamp, to be exact, on lot 22, on the second concession of Blenheim, about 150 yards from the road, lay a pond of black, murky water, covering a number of acres, which was locally

known as Spruce or Mud lake. The name was taken from many fine Canadian spruce which thrived in the swamp surrounding the lake, and it had been the place of supply for ornamental spruce trees for Woodstock for many years.

The vicinity of Spruce lake had always had an unsavory reputation; more than one murder had been known to have been committed there, and many a dark legend of crime and calamity is whispered concerning it. The murky waters cover a soft surface of thick black mud, which opens to swallow a victim but sucks him down, down, down to be seen no more.

'And echo there, whatever is asked of her, answers "Death!"'

But the dreariness of the Swamp of Death influenced Rex Birchall not at all. He became thoroughly acquainted with its intricacies and enjoyed many an hour's sport within its borders.

With all his pursuits, sporting, gaming, driving, riding, visiting, and entertaining, wine parties and pleasures of all sorts, he kept his eyes upon the farm pupil business and during his stay in Woodstock wrote the following letter based upon his observations:

BOX 572, WOODSTOCK, ONT., CANADA.

DEAR SIRs,—Thank you for the bonus of \$125, which came safely to hand. I duly sent receipt by Mr. Macdonald. I cabled you last Thursday, 24th, to send me £30, which I suppose you would get all right. I am at present looking round and staying in rooms; very comfortable. We have two private rooms and only pay \$8 a week, board included. The people in the town have been very friendly to me, and we have been out a good deal. The English pupils out here don't appear to be at all successful. Mr. T. Levy I found slept in a pretty dirty stable, without any apparent source of existence, and this week he has been committed to gaol for vagrancy by the mayor. He is almost without clothes, and was turned off one farm on account of his dirty habits. Mr. Charles V. Childs disappeared, or 'skipped out' (as they call it here), last week, owing some \$1,300. He removed most of his goods by night before writs, etc., were issued against him, and the remains of his



stock were sold by the bailiff yesterday. Mr. Overwey tells me he has done nothing, and on enquiry I find that when he did work the farmers said they were too poor to pay anything, or avoided payment. He left last week for the North-West. It appears that S. O. Burgess was a most dishonest man. The people here do not like the system of the pupil farmer business at all. One of the clergymen here came to see me the other day about it, saying that young fellows must be discouraged from coming here: he is getting up representations about it. I told him that you gave very full representations before coming out, but I presume he judges by the few instances I quote. Levy ought to be seen to at once. My governor will be here in a day or two. He has been making a stay in New York with friends. Mr. Pickthorn also is doing nothing except loiter about the Commercial hotel, a favourite resort. Mr. Radley has been terribly drunk off and on for over four weeks. We have had to turn him out of this house, where he boarded. He gets terribly abusive and noisy. He does nothing, but gets \$7 a week from his people.

With kind regards, believe me yours ever,

F. A. SOMERSET.

Messrs, Ford, Rathbun & Co., 21 Finsbury Pavement, London S. C., England.

Occasionally an industrious freak would strike Rex, and more than once he applied for positions in Toronto and elsewhere, but April of the following year found him still in Woodstock, still telling strange wild stories, and living a riotous life.

Mr. David Stevenson, his father-in-law, after the marriage had been consummated, wisely decided to make the best of a bad bargain and do what he could with his scapegrace son-in-law for the sake of his daughter, who was of all his children the best beloved.

Early in April, Rex received a letter from Mr. Stevenson, in which the following paragraph occurred:—

'All I say to you is to the end that you will not spend the money you have and come to poverty. You know your own resources best, but it appears to me that whatever you may ultimately inherit from your relatives is at present at the remote distance of years—and whatever your adopted father may allow you is dependent on his caprice, so that it behoves you to obtain some occupation and save all the money you have. This occupation, will

I think he sooner obtained in Canada or America than in England where we are over-crowded, and your old companions would be sure to meet you. Besides, a man can do abroad what he would not like to do at home.'

The advice contained in it briefly was, 'stay where you are, but find something to do.' It was written on March 21st, 1889, and in May, Rex left Woodstock suddenly; he folded his tent like the Arab and as silently stole away. His conspicuous figure no longer was seen on the country roads of the district or on the streets of Woodstock, no longer did tandem or four-in-hand flash by with gay parties of men and women,—his boon companions missed him, and tradespeople inquired for him in vain.

One midnight two guests arrived at Niagara Falls, Ontario, and registered at the Imperial hotel as Mr. and Mrs. Somerset, and for a day or two stayed and enjoyed the beauties of Niagara. The deep gorge, the roaring torrent, the treacherous spots along the brink where one mis-step would hurl the unwary down to a frightful death, impressed even Rex Birchall's turbulent spirit, and seemed to hold a powerful fascination for him.

From the Falls they went to New York, and still bore all the outward appearances of affluence. In that city Rex changed into English money \$500 of Canadian local tender, and thus well set up left almost immediately for the land of his birth.

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## CHAPTER V.

## BACK AGAIN IN LONDON.

Upon his return to England Rex changed his style of living very little.

He found employment with a popular London photographer as runner, his duties throwing him greatly among the bright lights of the stage and theatrical people generally, making appointments with them for sittings and taking commissions; and though his pay was small, it still was something and kept him out of mischief to some extent, and the work suited him.

A friend who had known him at Oxford, and met him occasionally in London, relates a characteristic incident of his career at this period of his life. His audience had changed, his circumstances had changed, but Rex Birchall was the same now as he had been at Oxford or at Woodstock. The friend tells the story as follows:

'I was dining one evening with some friends at the Piccadilly Restaurant during the Ripper scare. Birchall joined us. He was killingly amusing all through the dinner and his wit (coarse wit, perhaps), came to a climax when he was served with dessert. He seized a fruit knife, and began chasing the waiters and digging into their ribs and calling out "Jack the Ripper." He set the whole room laughing, although some people were at first somewhat indignant. On another occasion I had gone to the Danish Exhibition with some friends and we met him there. We were all in a post-prandial mood. After having "done" all that was to be "done" there, we all got into the yacht which used to be on the largest pond in the grounds. Birchall immediately climbed to the mast, and from there violently shook the little craft. He said he would upset us all into the water, and he would have done it too had I not taken summary measures in admonishing him with a few strokes of my cane, which precipitately brought him down. I am sure he did not wish to murder us! He was excessively fond of practical

jokes ; and on many occasions I have heard he purposely upset his boat or his trap, as the case may have been, simply for the "fun of it." He was at heart a good fellow, and I believe that, notwithstanding the multitudinous, harmless, contradictory stories he told (merely for the sake of telling them), his friendship could be depended upon, and not only does this not rest entirely upon hypothesis, but I know for a fact that he not only gave monetary assistance to those whom he called his friends, but he was very open-hearted towards his acquaintances, and especially the poor in the streets. He was lavishly extravagant, no doubt, with his money, but he could do equally well when he had none, and I never saw him jollier than when he was working for Mayall & Co., the Bond Street photographers, for £8 6s. 8d. a month.'

His restless spirit could not long be satisfied with such employment, and early in the year he began to work in earnest at the farm pupil business on a new and improved plan.

He was now living with his father-in-law, Mr. Stevenson, at Upper Norwood, and his well-known and assured position as Traffic Superintendent of the London and South-Western Railway lent Rex great weight.

He had entered into active operations with Mr. T. G. Mellerish, and advertisements were being inserted in the London papers for a young man to purchase an interest in a stock farm in Canada, applications to be made to T. G. Mellerish, at Cheltenham. Frederick Benwell thinking it might be a good opening began negotiations. Mr. Douglass Raymond Pelley, of Saffron Walden, was another applicant for the position, and a few days afterwards Rex wrote one of his inimitable letters to Pelley saying that he had a business out at Niagara Falls, Canada, and that he wanted someone to assist him to run it and thought Pelley would suit him, and if he wished to he could write him. Some further correspondence followed and then Rex, light of heart and happy of face, went down to Saffron Walden and there at the railroad station met for the first time young Pelley. He looked at him as he stepped forward and they shook hands, a young man full of promise, with clean cut features and refined

appearance. He was fair with a slight mustache and was about Rex Birchall's own height, five feet nine, but being of more slender build, looked much taller.

The two young men seemed to take a fancy to each other at once, and Rex with his usual versatility soon had Pelley's interest awakened. He was a Cambridge man and had travelled largely in New Zealand, Africa, Australia and Europe, but he had never been to America, and Birchall's glowing description of his 200 acre farm with its brick house and barns electric and gas lighted, his profitable business of buying horses in the rough, feeding and grooming them, and selling them at high figures, besides his own stock-raising, caught his fancy, and he decided to purchase a partnership in so attractive and lucrative a business.

He heard all about Birchall's two hired men named Peacock, who looked after the farm in his absence, and of his overseer McDonald, who lived not far away. of Woodstock and his branch business there, in which he held only an interest, and of the nice furnished rooms which he and Mrs. Birchall lived when there; of the Englishmen's club at Niagara Falls, which Rex had organized, and the English style in which the members lived, and English servants which were imported for them.

He told the story in the easy off-hand way that seemed natural to him, carrying the listener with him and leaving no room for doubt of his genuineness.

So without much delay an agreement was made and the terms of it were as follows:—

Memo. of agreement made this 14th day of January, 1890, between D. R. Pelley, of Walden Place, Saffron Walden, on the one part, and J. R. Birchall, of Niagara Falls, Ontario, Canada, on the other part, to the effect that the said D. R. Pelley agrees to reside with the said J. R. Birchall and to assist him to the best of his ability in the discharge of the said J. R. Birchall's business for the space of one year from the date of this agreement;

also the said D. R. Pelley agrees to pay the sum of £170, to be invested by the said J. R. Birchall in his business; such sum to be returned, together with interest, at the rate of 5 per cent. per annum, in the event of the said D. R. Pelley not electing to stay longer than one year, the considerations received by the said D. R. Pelley being board and lodging, household necessities and extras, use of horses, carriages, travelling expenses in Canada and the United States and 22½ per cent. of the profits in the business of the said J. R. Birchall arising from all or any sales whenever held.

(Signed)

D. R. PELLEY.

Dated January 14, 1890.

A few further preliminaries settled, an introduction to the family at Mr. Stevenson's residence at Maberly Road, Upper Norwood, effected, purchases for the voyage made and supplies for his residence in Canada all in readiness, and Pelley waited only for the word to start.

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## CHAPTER VI.

### FREDERICK BENWELL ENTRUSTED WITH A COMMISSION.

It was just after seeing Philip Dudley once more pressing his obnoxious suit upon Marion Somerset, but which young Benwell mistook for a meeting with that lover, spoken of in the letter he had read, as being engaged to her, that negotiations were entered into with Mr. Birchall.

It was through the agency of Mr. Mellerish, who lived in Cheltenham, that the Benwells and Rex Birchall were put into communication.

On the 28th November, 1889, Birchall opened correspondence with Col. Benwell by sending the following letter:

‘DEAR SIR,—Mr. Mellerish has informed me that you are looking for a partnership in America for your son. As I am looking out for a partner to take the place of my brother, who has been with me for five years on my farm in Ontario, I thought this opening might suit your son. I am a university man (Oxford) and have had six years’ experience in farm work, and own a nice farm in Ontario and go in for horse breeding and general farming. I want a man with £500 capital to take my brother’s share. If you would like to talk matters over with me I should be glad to meet you at your club at any time that will be convenient to you.’

Frederick was anxious to go, and Lieut.-Col. Benwell was willing to look into the matter. The Colonel knew something of Canada, having been out there for a number of years, and while there was instrumental in forming the 100th regiment, which was organized in Toronto some thirty years ago. He decided to meet Mr. Birchall, and proposals were made on a partnership basis.

The proposals for the partnership were favorably received by the Colonel, and the result was that the young man was to proceed to Canada, and if, after seeing the business, after he had time enough in Canada to ascertain that the business was up to representations, there was to be a partnership and a payment of five hundred pounds sterling, between \$2,000 and \$2,500, and the partnership deed was to be executed, and Birchall and Benwell were to become partners. Birchall gave a detailed account of his business in Canada. He had a farm, described as being within one and a half miles of Niagara Falls; he had an establishment in Woodstock also, which he didn’t entirely own but in which he had an interest, and the remaining interest in which he proposed to purchase. He carried on the business of buying horses in the rough and preparing them for market and marketing them. He said that he had a contract for supplying horses to the C.P.R.,



and was to have a large sale early in the year, and an immediate partnership would be to Benwell's advantage.

But Col. Benwell and his son both preferred a personal inspection before being irrevocably bound, and to have corroborative evidence in support of Birchall's representations. However, no inquiries were made, and this letter was sent by the Colonel to Mr. Birchall:

'20 PORCHESTER GARDENS, BAYSWATER W., Dec. 19th, 1889.

'DEAR SIR,—On consideration I have decided not to write to Mr. Mellerish, as I don't think it necessary, especially as my son will have the opportunity of judging for himself when he goes out to your place. I will be glad to have the earliest intimation when you have quite fixed the exact date of departure.

'To J. R. Birchall, Esq.'

'Yours truly, F. W. BENWELL.

One miserably, wet, dreary day in the holiday season, Frederick Benwell went once more to see Marion Somerset. She was in and alone, and received him with a very pretty blush but with a coolness of manner that he had never noted in her before. She was very talkative and told him that she had been away on a visit almost ever since she had seen him. She had been attending the wedding of a friend of hers at Oxford, Sir Godfrey Arnold's only daughter. And she had met there another old friend called Emma Clifford, but whose real name was Benwell, and together they had tried to make out a relationship between the two families but had not succeeded very well. However, Emma had made her promise that she would arrange for a meeting with Mr. Benwell as she had once heard some one describe Fred Benwell as a very nice boy.

Marion said this archly, but Benwell only smiled faintly in return and said:

'I'm afraid an introduction to Miss Clifford will be an impossibility for some time at least, as I expect to sail for Canada in less than a month.'

Marion turned pale for a moment and then an eager look brightened her face and she said impulsively :

‘Oh, I am so glad!’

Fred looked pained, and seeing it she said :

‘Oh, forgive me, I did not mean that I shall be glad to lose you, for indeed, indeed, I shall miss you sorely ; but if you go I want to give you a task to perform for me. Will you ?’

‘I will do anything for you that is in man’s power,’ he said simply.

‘Thank you. I felt sure you would. I need the help of a friend, the help of a brother now, and you seem to me like a—a dear brother.’ She caught her breath and flushed painfully, but Benwell was looking out of the window and did not notice.

‘I will do all a brother could,’ he said.

‘I have told you the story of my brother’s disappearance, and that, though my cousin Dudley has employed the best detectives and has done everything possible, he has never been able to find a clue to his movements since leaving home. Well, quite by accident, I heard news of him while I was in Oxford. Emma Clifford had a brother, a wild young lad, who got into disgrace and was expelled from college, and then he was sent out to America to learn farming, his father paying what was necessary to start him. He had a great deal of money with him and a great deal of luggage, but from his landing at New York nothing was ever positively known of him. Hon. Brian Charteris, who was once engaged to Emma Clifford, but was parted from her through jealousy, undertook early last spring to go to America and seek him. He could learn nothing definite, except that about that time a delicate-looking young Englishman was known to have arrived at Niagara Falls with two gentlemanly-looking Yankee sharpers, and there the trace was lost. The two men left for New York openly, but where the young Englishman vanished no one knew ; but Niagara’s river

rolls wide and deep, and Mr. Charteris has no reasonable doubt that Clifford was killed there. But this is all outside of my story. He visited many places in Canada, and met many people, and learned from some friend that an Englishman named Somerset was located in Woodstock and was making quite a sensation there. So, knowing about my brother's disappearance, he immediately wrote to Woodstock to Mr. Somerset, but getting no reply he went up there only to find that very suddenly Mr. and Mrs. Somerset had taken their departure. It looked as if it were a wilful avoidance of him, so he left again immediately and inquired nothing concerning them.

'It is a strange story,' said Benwell, absently.

'Yes, strange, but full of hope for me,' said Marion, 'If my brother could but be induced to return, it would mean happiness, and home, and wealth to me. This is not living,' with a scornful gesture, 'this is simply existence; and here, cramped in means, unsettled in mind, I must wait for my brother's return or for news of his death!'

'What would you have me do?' asked Benwell.

'Seek for my brother at Woodstock, or if he is not there learn all about the man who went by his name, and follow him and find him if you can.'

'I will do my best,' said Benwell, and then rising, he added, 'Send me any photograph of him, or letters, or description to my address, 'Iseultdene, Cheltenham,' and my first task on reaching Canada shall be to do your bidding. And now, good-bye. I thank you for your goodness to me, and what pain there is to me in this parting I know is all my own fault. I knew of your engagement from that letter of yours I read before I ever spoke to you. Good-bye, Marion, dear, dear Marion, and may your married life be happy!'

'You are mistaken,' said Marion, slowly, 'I am not engaged, I never was really engaged—it all arose through a mis-apprehension, and was carried on for a purpose. I

will not think of love or marriage till my brother is found.'

'But if I find him? if I come back?' began Benwell, eagerly.

'Well, if? I will be here if you come back, and if not—Canada as a place of residence would not be distasteful to me! No, no,' eluding his outstretched hand, 'we will say nothing more now; if we are not both true and honest, of what avail are words. And Conny,' using his pet name for the first time, 'do not come again before you sail, it would only make it harder.'

Then at the very last, with tears standing in her sweet brown eyes, she said:

'Good-bye, be good, and may God bless you!' and then, obeying her loving impulse she raised her head and kissed him, and said, 'Conny, I love you!' and sped lightly from the room.

And most of all it comforted her to know she had said it when she heard of him lying, foully murdered, in his lonely grave.

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## CHAPTER VII.

### PREPARATIONS FOR DEPARTURE.

It was with a light heart that Frederick Benwell set about his preparations, buying with a lavish hand everything he thought he could need in that land where he hoped to make wealth and home.

He wrote to Birchall, whose name he had not mentioned to Miss Somerset, the following letter:—

'22 PORCHESTER GARDENS,  
' BAYSWATER W., Jan. 3, 1890.

'DEAR MR. BIRCHALL,—I received your letter forwarded to Cheltenham last night. We return to-morrow, to which please send

# PREPARATIONS FOR DEPARTURE.

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your reply, and kindly let me know when you want to take the tickets and I will send you a cheque immediately for the amount. I must say I should like to know as soon as possible, if not the exact date of my departure, at least as near as possible, so that I may know what time I have at my disposal. At our last meeting you said you would probably start between the 18th and 25th insts. It appears we cannot go by the Inman Line between those dates, unless by the City of Richmond, which you seemed to think an undesirable boat. Now, the only other Inman vessels sailing this month are those on the 15th, which, I conclude, is out of the question, and the City of Berlin on the 29th inst. With kind regards to Mrs. Birchall,

'To J. R. Birchall, Esq.'

'Yours sincerely,  
'F. C. BENWELL.

He was in haste to be off upon that journey whence for him there would be no return.

But Birchall was busy. The Pelley negotiations had begun, and other applications had to be considered, and so one date after another was fixed upon and abandoned, till on January 27th Birchall wrote to Benwell's father the following letter:—

'MY DEAR SIR,—I am sending your son labels, etc., for the journey by this post. Considering the terrific weather on the Atlantic, we thought it best to postpone a few days in order that we have better weather. I presume you would like to hear from me periodically as to how we are getting on, as it would be most satisfactory to you to hear about the business in this way. If, of course, your son elects to stay, we will have a deed drawn up as soon as he decides. I shall be holding a large sale about six weeks after we arrive, and, of course, I dare say he would like to have some share in this as the profits will be considerable. I have sent on a very fair horse, which I think will do us good service. I suppose we shall not have the pleasure of seeing you again before we start. I have negotiated for the purchase of a small business in Buffalo, which will be a good depot, and will, I think bring in good profits in addition to the others.

'J. R. BIRCHALL.'

On the same date Birchall wrote and sent the following letter:—

'DEAR MR. MELLERISH,—I have been away till to-day, and just got your two post cards. I should have come to you if I had been

home on the day mentioned. Col. Benwell's son is coming on a three months' trial, and if he likes he may stop, only this is quite undecided. I do not go on the 29th; I have postponed. Of course if Mr. Benwell stops we shall do business.'

He was not nearly as well pleased with the result of his efforts with the Benwells as he was with the Pelley negotiations, and all the time he was trying for more business in other directions.

On Jan. 31st this letter put more work into his hands:—

'2, SOUTHFIELD VILLA, CHELTENHAM,  
'31st Jan., 1890.

'DEAR BIRCHALL,—Please write to N. Taylor, Esq., F.G.S., Cleveland House, Marsh by the Sea, Yorks. He wishes to go as a pupil to Canada, and is 22 years of age. I heard from him this morning *re* advertisement.

'When do you think of sailing, and have you advised Mr. Squarey, 57 Charing Cross, yet.

'I am just off to Cheetham.

'Very sorry you did not turn up at 4 Post-place to connect yesterday.

'Yours sincerely,  
'T. G. MELLERISH.

'P.S.—Have you seen or heard from any of the pupils?  
'T. G. M.'

And later on another:—

'No. 2 SOUTHFIELD VILLA, CHELTENHAM.

'I inclose a copy of one more answer to the advertisement. I suggest that you have an interview with him Monday, and find out what he wants. Please report progress.

'Sincerely, T. G. MELLERISH.'

And, on Feb. 3rd this letter reached him:

'ISEULTDEN, CHELTENHAM,  
'Feb. 3, 1890, 5.30 p.m.

'DEAR MR. BIRCHALL,—Your telegram has not come, and as my son is out I write to say that, as we do not know what arrange-

PREPARATIONS FOR DEPARTURE.

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ments you are making for meeting him en route to Liverpool, it is advisable you should know where to find him in case you miss each other; and therefore if this should happen, and he has to start to-morrow, he will go to the Grand Hotel, Lime-street. We hope, however, that your letter now on its way to us will contain full instructions. I may add that my son has sent directions by this evening's post to the Midland Railway Goods Superintendent in Liverpool to put his heavy baggage on board the Britannic to-morrow.

Yours truly, in haste,

F. W. BENWELL.

And so on Feb. 5th began the journey which ended so tragically.



### PART III.

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## THE CRIME IN THE SWAMP OF DEATH.

### CHAPTER I.

#### EN VOYAGE.

When Frederick Benwell bade his father good-bye the colonel gave him explicit instructions not to sign any deed of partnership until a draft had been submitted to him, and to inspect the farm and have three months' trial of the life he was about to enter upon, and make a full investigation into the business before the deed of partnership was signed, and before the money agreed upon was paid.

Then Benwell set out on his death voyage, reached Liverpool safely, and put up at the hotel and waited for Birchall's arrival.

Pelley had become quite friendly with the Birchalls, having visited at "Bainbridge," Mr. Stevenson's residence on Maberly road, Upper Norwood, and twice seen Mrs. Birchall, and also became acquainted with her sister. He was attracted toward both Mr. and Mrs. Birchall, and arrangements were made that they should meet at Euston depôt, London, at 4 p.m. on Feb. 4th, and travel to Liverpool together.

Pelley went to the station at the time specified, but Birchall did not appear, and so he waited for a later train, and just as the train was due to start Mr. and Mrs. Birchall drove up in a cab with their luggage, and made the excuse for their lateness in arriving that Mr. Stevenson's

office, in Gresham building, had been on fire during the night.

On the way to Liverpool Rex Birchall mentioned Benwell's name to Pelley in a casual sort of way, and said that he was going to travel out with them. Benwell was going out as a farm pupil, and he was going to look after him as a favor to Benwell's father.

'Benwell is rather a comical fellow,' said Birchall indifferently, "all right enough in his way, but I would not care to have you associate much with him. He has knocked about a good deal, been to New Zealand—but he's not much of a chap.'

On the journey Birchall asked Pelley if he carried a revolver and Pelley said he had one, a larger one than the neat, dark-handled little weapon which Birchall took out of his hip-pocket and exhibited.

They went to a hotel and after breakfast the party strolled out and went over to the hotel where Benwell had put up.

Benwell and Pelley were introduced and looked upon each other with mutual suspicion. It was the first intimation that Benwell had received that the party was to consist of four. The young men held aloof from each other, and after they had made arrangements about their luggage Benwell wrote his father that he was much surprised to find that another young man named Pelley was going with them, apparently on the same understanding as himself. He was afraid Birchall had two strings to his bow.

After luncheon Pelley and Mrs. Birchall were sent down to the quay in one carriage, Benwell and Birchall following in another.

During the drive Birchall's few equivocal words about Pelley made Benwell think unfavorably of him, and the little he saw of him during the first part of the voyage sustained his preconceived idea, that Pelley was conceited, haughty and exclusive. However, though he felt him-

self ostracised in a slight degree by Mrs. Birchall and Pelley he did not care a whit. If their good opinion was not forthcoming voluntarily he would not force it. His stateroom was not shared by Pelley, and so they could very well keep apart and choose their own company, if Pelley did not seek him, there was no reason why he should seek Pelley.

Rex was jolly all the time he was visible, and when the little party were brought in contact on deck they fell naturally into couples, and thus Pelley and Benwell were kept apart without any apparent effort.

At Queenstown Birchell had a letter mailed to Benwell's father, which read as follows :

" ABOARD R. M. S. BRITANNIC, QUEENSTOWN,  
5TH FEBRUARY, 1890.

" MY DEAR SIR,—We met all right at Liverpool, and had a very quick passage so far. My definite address, and one where letters will always find me, is postoffice, Niagara Falls, Ontario, Canada. I think we shall have a very quick passage through. I will cable you from New York when we arrive and write from Canada. I got your note on Tuesday morning. Your son got his ticket all right and is pleased with his berth. With kind regard."

By the same mail the colonel heard from his son by postal card and letter that he had talked the matter concerning Pelley over with Birchall, who said Pelley was the underwriter for Lloyd's shipping agency at a large salary, and was going across as his guest for the benefit of his health.

Each of the party made acquaintances on the boat, though Birchall avoided contact with the passengers, the number of whom was, on account of the season, not by any means great.

One day it happened that Pelley and Benwell were thrown together, and no one being by to interfere they had some conversation, the result of which was that Pelley asked for explanations from Birchall.

Pelley told him that the 'Colonel,' as they called Benwell, had said that he was going out to live with Bir-

chall, and that he expected to go in as partner in three months' time if he liked the place.

Birchall laughed and said, that very probably young Benwell understood that was what he was going out for, but as a matter of fact, Birchall had arranged with his father, and he was simply looking after the boy until he got settled in Canada, and he never intended him to live on the same farm.

Birchall expressed his opinion that Benwell was a great nuisance and he wished he had never brought him out at all, and also expressed his intention of getting him placed on a farm as soon as he could do so to get rid of him.

Speaking of the matter to Mrs. Birchall, she said lightly:

'I could not have Benwell always living in the same house with me, could I?'

And Pelley answered, decidedly, 'No.'

Many times while Benwell would be pacing the deck with some acquaintance, or quietly smoking by himself with a pleasant look on his boyish face, thinking of home and his loved ones, the three others of the party would be talking together, very often about him, and each one acknowledged they rather disliked him.

On the voyage Birchall told Pelley that he had purchased two valuable horses and shipped them to America with the money he got from him, and had actually heard of their arrival, and a cable announced already a big offer had been made for them. He also said that he had an agent named Maloney who looked after his interests in New York, and would look after them, and that Maloney was employed as an agent for steamship and railway companies in New York. He also spoke of his neighbors, and said there was a Mr. Pickthorn, who owned a farm next to him.

And so the voyage began and ended, and late on Friday afternoon the boat reached her dock at New York. Benwell got his money from the purser, in whose charge he had left it, and the party of four went ashore.

## CHAPTER II.

## AT NEW YORK AND BUFFALO.

On the wharf they found Maloney, soliciting agent for the Erie Railway, following his usual avocation.

'Hello, Mr. Maloney,' cried Birchall, going forward and shaking hands, 'Well, you see I am back again.'

Mr. Maloney greeted him, although at the time he could not place him, nor, as a matter of fact, has he been able to since, though he probably met him in a business way sometime in the past. Birchall introduced his wife and Pelley and Benwell to Mr. Maloney.

'We are going on to Niagara Falls. I may want to stop off between here and there on the way,' said Birchall.

After asking Mr. Maloney to direct them to a hotel, Birchall bade him good-day, saying that he would call at the Erie office the next day. They passed their baggage through the customs and the party then proceeded to the Metropolitan hotel. They had with them twenty-two pieces of luggage in all. Four pieces belonged to Benwell. The latter had already arranged to ship two pieces of luggage to Niagara Falls in bond. At the hotel Birchall registered for the party. After each name he wrote 'Niagara Falls.'

Pelley was assigned to room 391, Benwell to 392, and Mr. and Mrs. Birchall to 343.

Benwell's first thought was to telegraph of his safe arrival to his father, which he did that same night, and concluded a letter, giving a minute account of the trip. He said that Birchall kept to his cabin five-sixths of the time, and avoided the other passengers. He stated in closing that he was in high spirits, that he was going to

start next day for Niagara Falls, and that he would write his father immediately, and give his first impressions of the farm.

Col. Benwell never again heard from his son.

Benwell went to see a friend on Broadway, Pelley going with him, but not entering the building, and in the evening they all went to the theatre, and retired at twelve. On Saturday morning they went to see Maloney about tickets at his offices, on Broadway. Birchall said, 'we won't buy our tickets now,' and they walked on down to an exchange office near Wall-street, and exchanged some English for American money.

Benwell changed some English sovereigns, and Pelley, who was looking on, thought there were about twenty or twenty-five.

Birchall changed some Bank of England notes, and some sovereigns as well. They then went back to Maloney's office, and Birchall said they would purchase tickets to Buffalo only, as it would be cheaper; as they would arrive late at Niagara they would remain over at Buffalo, which was agreed upon.

They left the hotel for Jersey City, there took the train for Buffalo, arriving in Buffalo at noon next day, and going to the Stafford House. After luncheon they took the street car down to near the Niagara House and walked along to a circle near the water front and came near the barracks, and then walked back to the hotel.

This was Sunday afternoon, Feb. 16th, and after the walk they began making plans for the morrow. It was decided that Birchall and Benwell should start off early next morning for Niagara Falls, and go up to the farm and surprise the employés. Pelley and Mrs. Birchall should remain in Buffalo and wait for a message from Rex, as he wished to prepare things at the farm before they came on. He would telegraph to them early, at any rate before two o'clock.

It was in the waiting-room off the office in the hotel that the young men were talking, and in a desultory way

Rex began scribbling and drawing clumsy sketches. He wrote his signature in a dozen different ways, and then began to imitate Benwell's signature, and writing other names, one of which was F. A. Somerset. Benwell, who had been writing, caught sight of the name, and drew the paper toward him, and to get a good look at it began making very poor attempts at copying Birchall's writing.

They were laughing and joking over their forgeries, but on account of Pelley being by, Benwell could not ask Birchall the question that was uppermost in his mind, of what he knew about Somerset.

Early next morning, while it was still quite dark, Rex came along the hall and called to see if Benwell was up, and finding him dressed and almost ready, he went on to Pelley's room, and, lighting the gas, sat down upon the bed and began to talk.

He wore a pair of heavy walking boots, dark pants, a navy blue jacket and black, astracan cap, and carried in his hands a pair of thick gloves, which he laid down as he talked and forgot to take up again.

Rex made a remark about being dressed for the country, and said he had told his wife to enlighten Pelley as to anything he did not understand, and had left money with her to pay the hotel bill if he should telegraph them to come on.

Pelley was still in bed when they left, and he heard their voices in the hall and called out 'Good morning' to Benwell.

As Benwell was to be left at the farm his room was, of course, to be given up, and before leaving he placed all his loose baggage in the office, at Pelley's suggestion.

About nine o'clock Pelley went to the room which Mr. and Mrs. Birchall occupied, and, knocking, asked if she were ready for breakfast.

'Yes, in a minute,' she replied, and directly afterward appeared and they had breakfast together. Afterward they went for a walk and did a little shopping, and at a



store looked at some wall paper that would be needed to repaper some rooms at the farm house. The rest of the day they spent in the hotel waiting for Birchall's telegram that did not come. And, as the afternoon waned, they both grew weary, and Mrs. Birchall's face began to wear a worried expression.

Then, when it was about half past eight o'clock, Pelley went down to the office and inquired if there had been no message, and learned that one had come addressed to 'Petty,' and there being no such party at the hotel, the messenger had taken it away again. It was sent for, and Pelley opened it and read as follows:—

'NIAGARA FALLS, 7.44 p.m., Feb. 17th.

'To Petty, Stafford House, Buffalo.

'Arrive at Buffalo at nine to-night. Must remain here to-night.  
'BASTELLE.'

Pelley took the message up to Mrs. Birchall and then tore it up, and almost immediately afterward Rex Birchall arrived, looking travel-stained, with muddy boots and a tired look, and Pelley greeting him, and seeing that he was alone, said:

'Hello, Birchall, what have you done with Benwell?'

### CHAPTER III.

#### ON THE ROAD TO THE SWAMP OF DEATH.

Though it was so early and they had no time for breakfast, the two young men started off on their journey in apparently the best of spirits.

Benwell was dressed as he had been ever since he landed, his coat and vest being of English tweed, rather

light and a checked pattern, his trousers dark, his hat a brown felt stiff, and he wore a brown ulster overcoat of a small check, with a cape attached, a garment which he had not worn before since leaving England.

They were in time for the train, and before they reached the Falls Benwell asked Birchall if he knew anything of a man named Somerset, who, the year previous, had lived in Woodstock. His name was Reginald, he used his third name, his initials being F. A. R.

Rex cogitated, said the name sounded familiar and asked Benwell some questions about why he wished to know, and thought he saw by the guilty way in which Benwell mentioned Miss Somerset that he was in love with her. He found out all that Benwell knew, even to the search that had been made for Walter Clifford, and then he said :

'Yes, I know the party very well. He has a place not very far from my place near Woodstock, and it is close to Pine Pond and lies back of a swamp. It's rather a rough place to get at, but we can go straight there if you're as anxious to find him as you say. We can see my place at the same time.'

Benwell was delighted, and keeping right on the same train they came to Hamilton where they boarded No. 7 local, Birchall having purchased two tickets for Eastwood, and left at 9.26. They talked a little together, read the papers, got out at a station and took one or two turns and got aboard again.

Benwell thought the journey long and he had begun to grow hungry, but when the train reached Eastwood at 11.12 his spirits began to revive and he started out briskly with coat collar turned up about his ears to walk along the snowy road that had already begun to grow sloppy, looking pleasantly out at the unaccustomed scene through his eye-glasses, and enjoying the bracing air and the sunshine.

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ENTRANCE TO SWAMP OF DEATH.



They started off along the road going north and passed the mill where the miller stood at the door watching them. Birchall was a little in advance, Benwell having stooped to pick up a handful of snow and making it into a ball shied it at a cat. Birchall beguiled the way by telling stories of his visits to the neighborhood, the peculiarities of the people and the kind of sport that was to be met with in the swamp, for which they were heading. Benwell was smoking and listened with interest, but did not talk much. Striking the Governor's road, they travelled along it and then took a cross-cut over some fields and woods till they struck a road leading eastward which led into the swamp. The "Swamp of Death," as it is called by the rustics, is one of the most lonely spots in the County of Oxford, and is said to be the only piece of bad land in the district. A wilder or more desolate region could hardly be imagined. At the entrance of the swamp along the edge, as far as the eye could reach, there grew tall pines and young saplings bunched so thickly together that an entrance could be effected only with the assistance of an axe, except at points where the farmer had smoothed a narrow, uneven trail in his search for firewood.

The ground was frozen solid and covered with a hard crust of snow, and although progress was difficult by reason of the thickness of the undergrowth, it was not so bad as it would have been had there been much thaw. When they had proceeded a short distance, Birchall began looking about him in perplexity, and then he said: 'It looks as if there had been a fire here.'

Benwell replied that it did, and that there was not much of a trail to guide them, but Birchall assured him it would be plainer further in.

Birchall had been leading, but he turning aside to investigate what seemed a break in the undergrowth, Benwell went ahead.

The path, if path it could be termed, was blocked with trees felled and half burned, and Benwell was stepping across one that lay in his way, when a pistol shot rang sharply out, and he fell from his slight elevation, crashing down across the stump of a tree, DEAD.

Not one thought of life, death or the hereafter, could have passed through his mind, not a thought of home or loved ones visited him—he died instantly, shot through the brain by a cowardly assassin, who sneaked up behind.



THE SWAMP OF DEATH.

The pistol was held so closely to his head that the hair was singed. He lay still in death, but yet to make assurance doubly sure, another bullet followed the other into the brain of the dead man.

There was need for haste. The body had to be robbed and the marks cut from the clothing. Hastily raising the yet warm body in his muscular arms, he proceeded to partially undress it—it, now an inanimate

thing, that just a moment before had been a living, breathing soul.

No matter how rough the hands that handled it, no matter how close the snow lay to the senseless flesh, it could no longer hurt him. There was no need to draw his garments closely round him, he could feel no chill; no need to straighten out the bent limbs nor make smooth his bed; no need to cover the dead face turned up to Heaven asking mutely for vengeance! The snow drifted over him, the frost touched him with frozen fingers, the sleet dampened his upturned face and matted his thick, dark hair, and the twinkling stars looked pityingly down, but he heeded none of it. Earth's pains and griefs and joys were nothing to him for evermore!

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### CHAPTER III

#### BACK FROM THE SWAMP OF DEATH.

It was a good walk, almost five miles, from the entrance to the swamp where the old hunter's trail had been to Eastwood station. It was past the noontide hour, and the sun shining upon the snow began to make the ground disagreeably sloppy and the roads decidedly muddy.

As Rex Birchall strode along the deserted concession road he turned up his pants at the ankles and looked at his watch, and, noting the time, hastened slightly till reaching the Governor's road, the road he and his companion had travelled so short a time before, his pace steadied down to a brisk walk.

His quick eyes noted everything on the road, the few people who met or passed him, the houses on the way, the various little things that attract the attention and impress a scene forever upon the mind.

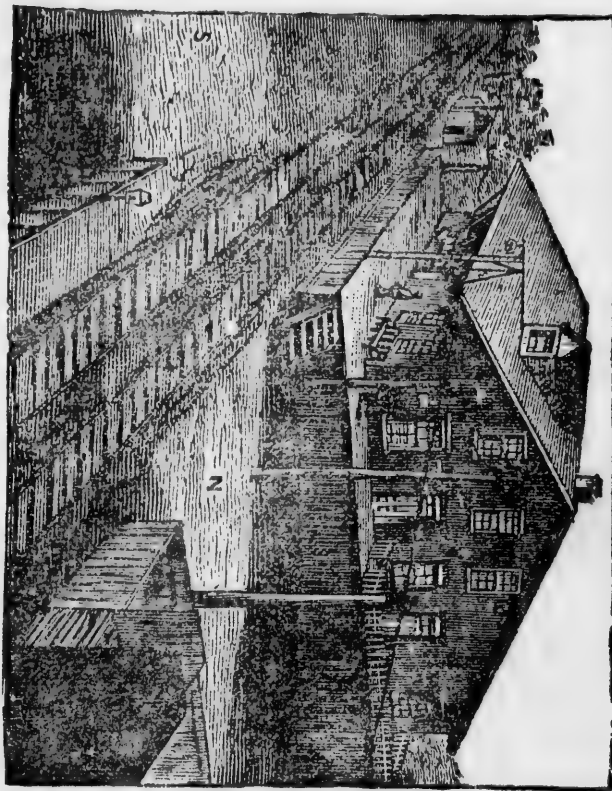
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G. T. R. Station at Eastwood





When just at the station, before reaching the gate, Rex at last encountered some one he knew.

He was holding an unlighted cigar in his fingers, his trousers were still rolled up, and his heavy walking boots were muddy, and though he looked a little tired he was his old jovial, jaunty self.

He never enjoyed solitude, and so seeing Miss Alice Smith, a pretty bright girl of eighteen, before him, he immediately went up to her and holding out his hand said, 'How do you do?'

Miss Smith was taken by surprise. It was perhaps a year since she had seen him, and he and all connected with him had been banished from her mind.

'How do you do?' she said in reply, smiling in a puzzled way, holding a basket poised carefully in her left hand. Then she added, 'Is it Somerset or Dudley?'

'Somerset,' said Rex, 'don't you know me?' and then walking together they entered the station.

Miss Smith said she had come to post a letter, and Rex said he was going on to Hamilton, but would be back that way and see her governor. He bought a single ticket to Hamilton and then they began to pace the platform. Rex was going to Hamilton to look after his baggage he said. He talked about horse trading and the northwest, vaguely, and asked about Miss Smith's aunt and uncle, with whom he and Dudley had driven out to visit her grandfather. They walked and talked until the train came in and were watched by a number of people who knew one or both.

On the train Rex spoke to the brakeman, who recognized him, and in the smoking car bought a book from the news agent, 'A tramp Abroad,' and some cigars. At Hamilton he got out and bought a ticket for the Falls, and afterwards he bought some fruit from Jas. Duffy, the news agent, and began to talk with him. Rex offered him a cigar which he took, and a drink from a flask which he refused. Then they talked on general matters, the

weather, business, etc., Birchall saying his name was Smith and that he was going to meet a brother at Buffalo.

Rex was very genial, glad as ever to have some one to talk to.

The train arrived at Niagara Falls at 7.24, and the brakeman, Geo. Hay, saw him alight. He had twenty-three minutes to wait before the train for Buffalo left, and after despatching the telegram to Pelley, mentioned before, Rex took a short stroll and then got aboard his train.

When he arrived at the Stafford House and Pelley asked him where Benwell was, he was in no way disconcerted, his manner being as unconstrained as ever.

'Oh,' he said, smiling, 'Benwell was sulky, nothing pleased him, and he would not even eat.'

He explained that he had taken him up to the farm, but that he didn't like the place, didn't like the people, and did not care to associate with such people. He also said he showed him one or two other places, but he did not care for them, and finally had given him the address of some other farmers in the country, people whom he could go and see.

He told Pelley he had found the farm-house had been let temporarily by his overseer and that the farm-house was in a bad state. He said they were dirty people, and he concluded to stay on at Niagara Falls for a time until the people went away. He said he had taken Benwell to his own farm, and had also shown him McDonald's farm, said he had collected some money and had seen a great many people there, and added that there was one good thing, he had got some dollars out of Benwell.

The next day, Tuesday, 18th, the party of three went down to the depot, and Birchall bought tickets for Suspension Bridge, saying he wished to look round on the New York side first. They left Buffalo between twelve and one, taking everything with them, and Pelley asked

Birchall what Benwell would do without his kit, and Rex replied :

'He can get what he wants from the packages he sent from New York to Clifton in bond.'

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## CHAPTER V.

### WORKING OUT THE PLOT.

The story of this terrible crime, now world-wide in its renown, can best be told at this stage by giving Douglas Pelley's own account of it as given at the preliminary examination and at the trial.

'On Tuesday,' he said, 'we checked our baggage to Suspension Bridge, American side, at Birchall's suggestion. He said he was not quite sure what side he would stay on, and didn't want to go through the customs and have to go back again. Birchall wore a pair of field boots; they were very muddy. He got them cleaned outside the railway depot early in the morning. We had twenty-two checks altogether. We brought all Benwell's things. There was a canvas bag in his room which I took out to Birchall's room the day we left, and then sent the porter after all of them. When we got to the Falls we left the baggage in the baggage room, then had some lunch, then walked down to see the Falls on the American side. We walked up the street car track, then branching off to some side road, passing a mill of some kind, finally reaching the upper suspension bridge, walked across to the Canadian side up to the Michigan Central depot, thence down to Clifton. It was suggested by Birchall that Mrs. Birchall should go to the Imperial hotel and remain until we found some place to locate. Going to Mrs. McMahon's,

she could not accommodate us, but told us to go to Baldwin's private house, which we did, and secured board. We finally went to the Imperial hotel and had tea with Mr and Mrs. Bamfield.



D. R. PELLY

'After tea Birchall and I went over by train to the American side, intending to bring back the baggage, but the train did not go from the same station and we did not have time to get them across, so we each carried one piece over and arranged for the balance to be brought over the next day. On the evening of the 18th we were settled at the boarding-house. On the 19th we went down to

the customs house and had the things passed and sent to the boarding house. Birchall had a small bunch of keys and opened Benwell's boxes for the customs house officers! We went to the post office box to see if there were any letters. Birchall told me he had Nos. 572 and 573 before I left England. On that day, the 19th, he took box 313, that was after we passed the baggage in the afternoon.'

It was on this day or the next that Birchall wrote the following letter to Col. Benwell; it was undated, but the envelope bore the post mark of Feb. 20th :

Please address Messrs. Birchall & Benwell,  
P.O. Box 313,  
Niagara Falls, Ontario, Canada.

'MY DEAR SIR,—We arrived safely here after a very pleasant journey, the sea being rather rough than otherwise. We came up by sleeping car from New York and had a very pleasant trip indeed. Your son has inspected all my books and all my business arrangements and I introduced him to people who know me well. He suggested taking other advice, so I of course was perfectly willing, and he consulted a barrister in London, Ontario, concerning the business, with satisfactory results; and he has decided to join me, as he has found all that he wished to be satisfactory. I think we shall make a very good business together. The books show a very good profit for last year. I think the best way is to place the money in our joint names in the bank to the credit of our reserve fund. We shall take the additional piece of land that I mentioned to you, as we shall now require it for produce. The best way to send money out is by banker's draft. Drafts for us should be drawn on the Bank of Montreal, New York. They have a branch in London, and I think the London and Westminster also do business for them. Letters of this kind should be insured and registered. We are holding a large sale early in March, and your son was somewhat anxious to share in the proceeds of the sale, which I am quite willing that he should do, and so we have signed our deed of partnership and shall, I am sure, never regret doing so. Your son is, I think, writing you by this post. Kindly excuse bad writing on my part, but I am rather in a hurry to catch the mail. My letters are generally written by type-writer, as they are so much more legible and clear of any doubt as to words. We are having paper printed properly and this will be ready in a few days.

'I think you will be pleased that your son has found things satisfactory, and I quite agree that he did much the best thing in com-

ing out to see the business first. I shall send you weekly particulars of all business done so that you can see for yourself how things go on. This will be satisfactory to you, I think.

'Of course, with regard to the money any bank in New York would do for a draft. We have opened a business account in our joint names at the American Bank here.

'Your son will doubtless explain his views in his letter.

'With kindest regards, believe me, dear sir, sincerely yours.

(Sgd.)

'REX BIRCHALL.

'LT.-COL. BENWELL,  
Iseultdene,  
Cheltenham

On the envelope were the words 'Please address Messrs. Birchall & Benwell, Post Office Box 313, Niagara Falls, Ont., Can.' Stamped across the face of the letter in type, made by a rubber stamp, were the words 'Birchall & Benwell.'

Pelley began to grow very suspicious as day after day passed and Birchall always had some excuse for postponing a visit to the farm. He said it was either too muddy too wet, or there was not enough snow for sleighing, or that he was too busy. The time of the party was spent in walking around the Falls, never going very far away.

One day Pelley taxed him with reference to his position, and said:

'I think you are a fraud, Birchall, and have brought me out here on false pretences. If I had known how things were I never would have come.'

'Oh, well,' Rex said, indifferently, 'then you can please yourself about staying.'

This was on the Tuesday, Feb. 25th, when poor Benwell had been dead a week and a day. They were out walking when the conversation took place, and as they walked along the cliff, Birchall explained that he was expecting money shortly from England and his business would be in full swing in the course of a week. Pelley asked him where his stock of horses were, he said they were safely housed in Toronto. He suggested living in a house

at the Falls and simply using the farm for farm purposes.

In Pelley's evidence he said: 'We were walking along the cliffs and came across a stairway between the village and the Falls. He said, "Let us go down here." We went part way down, met a man coming up and not liking the appearance of the place, I suggested we should follow the man up, and we did. On Wednesday the prisoner went to Buffalo to see about some message claiming to be from Benwell, and I went to St. Catharines to call on a friend named Mrs. Johnson Clinch. I found no one there, left my card, and returned to the Falls; found Mr. and Mrs. Birchall had arrived, and that the clerk at the Stafford had told them that Mr. Benwell's message was to send all heavy luggage to 5th Avenue hotel, New York.'

There had been very little said about Benwell, and little wonderment, though in answer to a remark Birchall said that probably Benwell, not knowing their address, had sent letters to Buffalo and he would telegraph and see. Then, while Pelley was at St. Catharines, he started off for Buffalo and there sent back a telegram signed 'Stafford.'

These are the telegrams:—

‘NIAGARA FALLS, Feb. 25th.

To proprietor Stafford House,  
Buffalo.

Is there a telegram or letter for me? If so please answer; reply paid.

Birchall,

Imperial Hotel.  
NIAGARA FALLS, Feb. 26th.

Proprietor Stafford House,  
Buffalo,

Please open my telegram and repeat message to me here; reply paid.

Birchall.



Birchall.

Imperial Hotel  
BUFFALO, 27th Feb, 90.

Imperial Hotel,

NIAGARA FALLS

Telegram and letter were sent on to you yesterday to shift heavy baggage to 5th Avenue Hotel, New York.

STAFFORD.

This message was written in Birchall's handwriting, and was paid for, 43 cents.'

## CHAPTER VI.

## THE FINDING OF THE BODY.

In the whole plot there was not one flaw, not one misstep, not one oversight that the murderer dreamed of. All was turning out quite as well as he expected, even though it had been impossible to consign the body to the depths of the lake. But one little thing, so little that it escaped the sharp eye of the assassin, brought the best laid plan that ever was conceived by the mind of a villain to utter ruin.

It was by chance, if there be such a thing as chance, that the Elvidge brothers entered the swamp on the morning of Friday, 21st February, to cut wood. If they had not wanted a tamarack pole the body might have lain there till this day. There, about 150 feet from the roadway, they found the dead body of a young man, cleanly shaven and of a dark complexion. All around the body grew young saplings, and half burned limbs and logs lay scattered in hopeless confusion. The body was lying on the back, a root or branch supporting the head; the left foot was in a position so that it had entered the snow or slush

and the subsequent frost had frozen it into the ground. The other leg was crossed, the right leg over the left leg, but not touching it, being sustained by a bough or a root in the swamp. It lay against a limb, the calf being supported, the leg being over, but not touching, the left one. The right arm was in an upright position, sustained by another limb or root. The coat, vest and a tweed waterproof with a cape were open, revealing the shirt front which was still stiff. The trousers were unbuttoned and rolled up, the socks pulled down. The arm, standing upright, was sustained by lumps of frozen slush and snow and ice, which accumulating in the sleeve, by reason of the outer sleeve being waterproof, had remained there and frozen solid. The collar that he had worn had been jerked from the neck of the deceased as he lay where he was found. The force used had taken the button out of the shirt and a piece of the linen with it, and when found the frozen shreds of the linen were attached to it. The necktie and collar lay at a little distance from the head. Every name had been cut from the clothing, from the shirt, from the socks, from the drawers, from everything, as if the one who committed the murder had desired to carefully conceal the identity of the body. There was nothing upon the body to indicate in any way who the person was. The hat was found without any maker's name upon it; if it ever had any lining or any maker's name they had been removed. The right hand trousers' pocket was turned inside out and all the pockets were empty, save for a small quantity of tobacco. Not even a scrap of paper was to be found on him. His cuff buttons alone seemed to furnish any evidence to work upon. These were of mother of pearl inlaid in silver. The underclothing and linen were all of the finest description and of English make, as well as the outer garments.

Upon the removal of the body two bullet holes were found in the head, one on the left side, roughly described as behind the ear, and the other a little to the right of

the middle of the head, where the main muscle of the neck is placed. No blood was found until the snow was scraped away, and then a clot frozen solid was discovered on top of an under crust. The body was removed to the undertaking establishment of J. H. Swarts, Princeton



Cigar Case by which Benwell was Identified.

there to await identification. A coroner's inquest was held by Dr. McLay, of Woodstock, and adjourned to allow the body to thaw out and a *post-mortem* examination to be made.

On the following day the Elvidge Brothers searching the vicinity of where the body was found came (by chance again), across a cigar case lying partly open, under the snow, some six feet away from where the body had lain; and not far from the place where it had first fallen. George Elvidge found it. As he was dragging his axe along the ground he brushed off the snow by accident and saw it lying there. Upon it, written by the hand of the dead man, was the name—

‘F. C. BENWELL.’

This was the murderer's one fatal oversight, the one thread that led to the unravelling of the mystery.

Shortly afterwards Joseph Elvidge found under where the head had rested a pair of eyeglasses and a cigar holder, in which was still the stub of a cigar.

The post mortem showed a healthy, well nourished body, with no cause of death except the bullet wounds in the head. Two bullets were found in the head, and the examiners said either shot would have been fatal, and there were indications that the shot near the middle line was the first shot, the other perhaps being delivered when the deceased was on the ground. The condition of the valve of the heart with the arrested throb indicated that death was instantaneous, which would be the case with the more central shot. There was found a discoloration in the groin and in the pit of the stomach, probably caused by the falling forward on the rough ground after the first shot. Drs. Taylor and Staples furnished a written document containing the result of their medical examination. They gave as their opinion that ‘death was produced by injury to the brain caused by two pis-

tol shots fired by some hand, as yet unknown, but other than the deceased's, either one of which was sufficient to produce death.' The doctors also stated that the shots were fired at close quarters, and that there would not be much blood from the wounds.

All day Sunday crowds visited the place where young Benwell's body lay, some from curiosity and some to help in the work of identification. The remains were laid out upstairs at Swarts' undertaking establishment, covered by a white cloth, and many wild guesses at its identity were made, some stating positively that they recognized the murdered man as friend or acquaintance.

The body was slightly raised and photographed, the shirt belonging to deceased laid over the breast, the collar put around the neck, and the necktie, a dark green four-in-hand, tied, and the coat and vest put in place. Three negatives were secured, all of them very good ones.

The body was embalmed, viewed by the coroner's jury, and prepared for the tomb. No pauper's coffin held all that was mortal of F. C. Benwell, but a good casket, decently and neatly mounted, held his remains, and at 10.30 on Thursday morning, February 27th, he was laid in Princeton cemetery. The kind people of Princeton turned out and gave him Christian burial, and many a tear fell for the hapless stranger who had been lured to his death. F. Cheesewright, churchwarden of the Episcopal Church, in the absence of the ministers of the place, read the burial service, and the earth closed over the murdered man.

## CHAPTER VII.

## THE BODY IDENTIFIED BY BIRCHALL.

The people of Princeton who took so kindly an interest in the deceased drew a sigh of relief when on Monday, 24th, two detectives from Toronto appeared upon the scene to take up the case.

'Now that Detective John Murray has come,' said one, 'we may expect to see this mystery unravelled;' but for some days it appeared as if all clues led nowhere and ended in nothing, and all 'positive' identifications proved the same way, and the murderer, if he had followed the newspaper reports of that time, would have been greatly amused by the contradictory stories afloat.

At the inquest on Monday the evidence brought out seemed to cast suspicion on two men well known in Woodstock, Geo. Baker and Robert Caldwell. A drunken drive through the country one night suspiciously near the time when the murder must have been committed, gave strength to the theory that they were the guilty parties, and some blood found on a pair of boots worn by Baker while killing pigs was regarded as furnishing striking corroboration.

This clue was being followed by Detective Murray when he was attracted to Brantford by a report that the signature 'F. C. Benwell, Bristol, Eng.' had been found in a hotel register there. While in Brantford he heard that the dead man had been identified by a friend, and starting off instantly reached Paris in time to meet and interview Rex Birchall.

We will now return to Birchall. On the morning of Feb. 28th Rex Birchall went out alone (as he had done

twice previously) with the expressed intention of forwarding Benwell's baggage to New York, but after a little while returned and went upstairs to his wife. Shortly afterward when Pelley was with them Rex said:

'What do you think I have seen in the papers in connection with that man found murdered at Princeton? They have found a cigar case marked F. C. Benwell.'

'You don't mean to tell me so,' said Pelley, aghast. He had read a newspaper heading of a body being found near Princeton, but had not read the account of it.



Detective Murray.

Yes,' said Birchall, 'and I think we should go at once and see if the body is Benwell's or not.'

Pelley acquiesced, and the arrangement was to go at once, but on inquiry it was found that there was no train before noon. The two men went across to the American side, and Birchall cashed a check at the Bank of Niagara, and they then returned to the house for lunch.



'By the way,' said Birchall, 'Benwell has my pistol, I wish I had it back.'

'How did he get it?' asked Pelley. 'Did you give it to him?'

'No,' said Rex, smiling, 'he took it. He had none of his own.'

They talked over their plans and Birchall suggested a change. He and Mrs. Birchall would go up to Paris, which he had been told would be as near the place as any, and Pelley could go to New York and investigate the matter of that telegram from Benwell—the telegram that Pelley had previously asked several times to see, but had never seen.

'You go and see if Benwell is at the 'Fifth Avenue Hotel,' said Rex, 'and I'll pay all expenses.'

The two searching parties set out, the Birchall's leaving first. Pelley went to New York, inquired at Fifth Avenue Hotel but could find no trace of Benwell. He also called on Mr Maloney, and asked him to cash a check of Birchall's for \$30, but did not press the matter when Mr. Maloney told him he did not know Birchall well enough to be justified in doing so. Pelley said that, after all he thought he had money enough to get to Niagara Falls. He went out, but returned in the afternoon and purchased his ticket. Then he produced a copy of a Canadian newspaper and showed Maloney an account of the finding of Benwell's body.

'It's terrible, if it's true,' he said, very much downcast.

Pelley waited in New York during all that day because he had arranged with Birchall to telegraph him if he found Benwell, and Birchall was to do the same. Pelley sent a message but received none from Birchall, and tired and discouraged returned to Buffalo, and from thence to Niagara on Sunday morning.

The Birchalls' journey was much more successful. They arrived safely at Paris and drove to Princeton, and there Birchall saw Constable Watson and with him arranged

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for the exhuming of the body next day, and said that if the dead man was the party he had known, he had last seen him at the Falls, whence he had gone west to London to purchase a farm, also intending to drop off at Woodstock and Paris. He said he had heard from him fr m London.

To undertaker Swarts Birchall said he had a friend whose name corresponded with the name on the cigar case, and gave a description of him which Swarts thought answered to the man who was buried. Birchall said that they were both of independent means, and that Benwell had gone to London and had written to him from there. Swarts asked to see the letter and Birchall said his wife must have it, when he had searched his pockets for it unsuccessfully. Then when Swarts offered to go to Strowd's hotel and fetch it, he remembered that he had left it at the Falls. He said that the letter contained nothing but some baggage checks, asking that some little things be taken from his trunks and sent up the country to him. He said that Benwell had also sent him the keys that he might get the things.

Birchall and his wife drove back to Paris at about eleven that night, and next day between ten and eleven Birchall returned alone, and there on that blustery March day in the little Princeton cemetery he looked once more upon the dead face that he had left upturned in the Swamp of Death.

He looked upon it and, leaning on the constable's arm and hiding his eyes, said brokenly:

'Yes, that's the man!'

The visit lasted five minutes, and then on leaving, Rex asked if there was a cable office in Princeton and was taken to a telegraph office, saying in answer to a question that he wished to communicate with the young man's relatives. Constable Watson handed Rex a telegraph blank but he shook his head. He then offered to write the despatch, but Birchall declined, saying that as

it was then Saturday and despatches would not be delivered on Sunday, there would be no time gained by sending it and he would wait till he reached the Falls. Watson accompanied him to Paris, and on the road he asked Watson to take charge of the case and that he was willing to spend considerable money in having the culprit hunted up. At Paris they met Detective Murray, who had hastened over from Brantford. Birchall refused at first to talk, but afterward agreed to do so, and spoke as follows, as given by Detective Murray under oath at Niagara Falls:

'Birchall identified the body of the dead man as that of F. C. Benwell, who had come out from England to go into business with him farming, and when asked by the detective if he had been in the business before, he said no, but had been in the sheep ranch business in Australia, and they had come out to this country to see if they could find a suitable place to raise stock. When asked if he had ever been out in this country before, he said yes. He and his wife had been out as tourists, but that they had not been west of the Falls. I showed him the cigar case, and asked him if it was Benwell's signature. He staggered, and, turning to his wife, said, "Here, dear, is that like Freddy's writing?" She replied that it was. He told me that Benwell's father was an officer in the army, but could not give me any further information. I asked if Benwell had ever been in the army. He said he did not think so, but his brother had.'

'Birchall told me,' the Detective said, 'that on Monday morning, February 17, he, his wife and Benwell went down to visit the Falls, and stayed there till the afternoon. Mr. Benwell had told him he was going on to London to see a friend, and would write to him, and that he and his wife returned to Buffalo on Wednesday. He had received a letter from Mr. Benwell from London with the ticket and cheques of his baggage, for him to

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send them on to London or wherever he directed. He said the letter was dated on the 18th and he received it on the 19th. I asked him if he had the letter, and, after pausing, he said, "No, I think I left it at home," and, speaking to Mrs. Birchall, "I wonder what I did with the letter; however, I can get the letter if wanted." I showed the photo of the dead man to Birchall. He looked at it and said, "Yes, I think that is he, but I do not think he wore such clothes; I never saw him in those clothes; he had on blue clothes when he left." Mrs. Birchall did not remember Benwell having clothes like that on. She also said he was always dressed well. "Did he have any jewelry?" I asked. "Oh yes," Birchall said, "he had a very fine gold watch and chain. He was rather inclined to be jolly, and brag of his money," and to Mrs. Birchall, "Didn't he like a glass of wine, dear?" She answered, "Oh yes." He spoke of Benwell's baggage being at Niagara Falls.

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The following statement was given by Birchall to a newspaper representative:—He said—The dead man's name is Fred. C. Benwell, of London, England. He is 24 years of age and well connected, his father being an officer in the British army. Mr. Benwell, Mr. Pelley, and myself and wife sailed in the White Star steamer *Britannic* from England on February 5th last, arriving in New York on February 14th. Benwell intended to locate in Canada and buy a farm. After remaining at the Metropolitan hotel, New York, for a few days, we came on to the Falls, remaining for a day over at Buffalo, stopping at the Stafford hotel. Upon arriving here Benwell left me at the Grand Trunk railway depot, Niagara Falls, saying that he was going to London prospecting, and was to let me know the result. He took along with him a large valise and left in my charge two trunks. I received by

mail last Wednesday week from London, Ontario, a ticket to release two chests which are in the express office here in bond. I first saw his name in connection with the Princeton murder in a newspaper. I went directly to Paris, leaving here at 2.45 p.m., and arriving at Paris about half-past five. I drove to Princeton and viewed the body this morning after it had been exhumed, and recognised it to be that of Fred. C. Benwell that accompanied me from England. I know that he had from \$50 to \$100 with him when he left me, also a watch and chain. Taking everything into consideration, I feel he has been foully murdered. He was a man of temperate habits. I knew of him personally six or seven months before we left England, but knew of his family some time before that. Mr. Pelley left here yesterday for New York. He has been with me here since Benwell left for London. He went to New York in search of Benwell, who had friends in New York. I could not say how much money Benwell had when he arrived in New York. When Pelley returns from New York we will consider what we will do with the remains. Most likely his friends in New York will be consulted. I have made several trips to this country, buying horses and shipping them there, which I intended to do on this occasion, Pelley coming with me on the same errand. It was through no inducement from me that Benwell came to this country. I saw Detective Murray at Paris to-day, and gave him all the information I know about the deceased. There seems to be a deep mystery enshrouding the death of poor Benwell in a foreign land, and no doubt the detectives will ferret the whole affair out and expose one of the most cruel murders that has taken place in Ontario for some years

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## CHAPTER VIII.

## THE ARREST AND COMMITTAL FOR TRIAL.

Birchall and his wife returned from Paris on Saturday, and when they arrived at their boarding house, Detective Thomas H. Young, chief of the Ontario police force there, and who had been working on the case, had police surveillance placed on the house all night. All trains from New York were watched closely in order to intercept young Pelley as soon as he arrived, as he was expected to return early in the morning. When the Erie flyer arrived at 7:30, he stepped off the train, and was taken to Police Magistrate Hill's office, where a private consultation was held between Pelley and the Magistrate.

Then Pelley, very grave and sad, went to Baldwin's, and Baldwin told him that the Birchalls had got back and that the body had been identified as Benwell's for certain, and that they were watching the Birchalls, and there was a detective in the house.

Pelley hadn't been there long when Mrs. Birchall called him up to their room. "Isn't this a terrible business," he said agitatedly, and Birchall looked grave and made no reply.

'Who is the man down stairs?' asked Mrs. Birchall, 'do you know?'

And Pelley, knowing it was a detective, answered evasively, 'A friend of Baldwin's.'

Chief of Police Young had begun to work on the case on Saturday after Mr. Flynn, of the Canadian Customs, informed him that two pieces of baggage held in bond with the address 'F. C. Benwell,' compared with the name on the cigar case found near the body, and, when

asked if anyone had called for the baggage, said, 'Yes, a party of Englishmen stopping at Baldwin's.'

Young found they had left town, and starting out, traced up the party from the Buffalo end of the case, and then returned to the Falls, and on Sunday morning, soon after Pelley's return, arrested J. Reginald Birchall on suspicion of murdering Benwell.

Birchall asked Pelley to send for Mr. I. F. Hellmuth of London, who had been a fellow passenger on the *Britannic*, and he did so at once, and the barrister arrived on Monday to defend him.

Birchall was searched and upon him was found blank cheques of the Niagara bank; a receipt from Wells, Fargo & Co., dated New York, February 14, 1890, given to F. C. Benwell for one trunk and one box marked 'F. C. Benwell, personal effects to be forwarded to Clifton,' a gold pen and holder, 95c. in silver, an open-faced watch with a curb chain, a bank book on the Niagara Falls Bank, N. Y., good for \$152, a bunch of small keys (ten in number), a penholder marked 'Conny,' Sept 15, 1869. A pair of folding pocket scissors were also found.

At the cell Birchall admitted leaving Buffalo and going as far as Niagara Falls with Benwell, but did not wish to make any statement. Detective Murray, who had arrived, asked him if he was within a radius of ten miles of Woodstock, Eastwood or Princeton on Monday, and he declined to say. In taking the keys and bonded receipt from prisoner, he seemed very much concerned about it, but he did not say how he had come by them.

The arrest caused great excitement and it immediately became known through the proprietor of the Imperial hotel that Birchall was there the year before accompanied by his wife, and stopped at the Imperial hotel, registering as Mr. and Mrs. Somerset, arriving at midnight and remaining a day or two.

A cablegram was received on Monday morning from the father of Benwell, dated at Cheltenham, asking if it



was true his son had been murdered. He had seen a report of the finding of the cigar case near the body.

On Tuesday Mrs. Birchall was arrested as an accessory before and after the murder; she was detained under police surveillance at Baldwin's, but after two exhaustive examinations, liberty was allowed her.

And at the Assizes the grand jury found "No Bill" against her.

A press despatch from Niagara Falls on March 4th, gives a faint idea of the sensation that the case made at the time:

'The Birchall arrest is opening up one of the darkest and most diabolical plots that has ever been chronicled in the history of Ontario. Detective Murray, since his arrival last evening, has been hard at work on the case. It seems that Douglas Raymond Pelley, the young Englishman who has been up to last evening in company with Birchall, will make a statement in court this morning that will plainly show that there has been a deep plot concocted in England where unsuspecting young men were lured into agreements based on the big profits in a paying business at Niagara Falls, alleged to be owned and conducted by Birchall. Pelley can plainly see how he has been gulled, and considers himself a lucky man that he did not meet the fate of poor Benwell, as two or three times he can recall having been taken to suspicious places by Birchall and something occurring to intercept the intentions of the latter. Pelley relates an instance where Birchall had enticed him down a stairway leading down to the edge of the Niagara river. Here, opposite the Wesley park, a man coming up at the time no doubt prevented him from being murdered. The inducement of Birchall was that they could have a better view of the river from the water's edge. On another occasion while down upon the Suspension bridge suggestions were made to him, following which he could easily have been shoved into the seething rapids below. The whole affair

seems to point to a regular organized gang in London, England, of which Birchall is the prime mover.'

At eleven o'clock on Tuesday, Birchall was brought up for examination before police magistrate Hill, at Niagara Falls.

The prisoner was placed in a chair before the witness-box and looked pale and appeared nervous, although he answered the magistrate in a firm voice as follows:—Am 25 years of age, was born at Church, Lancashire, have no particular business or home other than London, Eng. My father is dead. I have no occupation, am married, have a college education, belong to the Church of England.

The magistrate then read the charge against the prisoner of wilfully and feloniously murdering one Fred. C. Benwell, on or about the 17th February, in or around Princeton, Ont. The magistrate asked if he was guilty or not guilty.

Rex replied in a hurried voice, 'Not guilty.'

Then began the taking of evidence, and on March 12th magistrate Hill committed the prisoner for trial at the next court of competent jurisdiction in the County of Oxford. The Magistrate, continuing, asked the prisoner if he had anything to say in his own behalf. He was not obliged to speak unless he liked, but if he had anything to say it would be taken down and used as evidence at his trial.

Birchall (quite cool)—'I have nothing to say at this particular time sir.'

Detective Murray walked over towards Birchall to take charge of him.

'Good-day, Murray, how are you?' said Rex, gay as a schoolboy, 'Fine day. I have just been admiring that handsome gold-headed umbrella stick of yours; where did you get it?'

'I am quite well, thank you,' said Murray. 'Oh! that umbrella was presented to me by a friend.'

The detective and prisoner shook hands and walked down stairs, with Constable Young leading. Rex was cool, jaunty, defiant as he had been all through the examination, and went to his cell unconcerned, without a ruffled muscle, smiling and chatting pleasantly to those about him.

During the time of the examination at Niagara the inquest at Princeton had been concluded. On March 8th, the grave of Benwell was once more opened and the body brought forth. The sun was shining very brightly and melting dark patches in the thin mantle of snow that covered the earth. Quite a crowd had assembled round the grave, waiting for the arrival of Mr. Pelley. The coffin had been raised and placed on trestles alongside the grave, the lid unscrewed, and the pale, calm features exposed. When Pelley walked up to the grave he bent over the coffin, visibly affected. 'That is Benwell, poor fellow,' he said. The people stood around, awed and silent. For a moment he stood looking at his dead companion on that fatal trip to America, and then turned away.

Pelley in his evidence concerning hearing Birchall speak of places in the vicinity was as follows:

He said he came into possession of the farm at Niagara Falls by the man he had been working for dying, and he bought at his death. He told me his father had been a clergyman in England, but was dead, and left himself and brother, who he said was in Manitoba, very well off. He said his brother had been in company with him, but not liking the horse business, sold his interest to him and went to Manitoba. He told me within the last few days that Benwell took his revolver from him. Mrs. Birchall told me that Mr. Birchall's mother lived in England and travelled about. Birchall told me that he had never been up to Princeton, but he knew Paris was the nearest station to where the murder was committed. While in the Metropolitan Hotel, in New York, I heard Mrs. Birchall ask

prisoner if he saw Mr. Pickthall come down stairs. He said 'No, you must be mistaken.' She said no, she was not. I on one occasion asked him where his stock of horses was. He said safely housed in Toronto, and told me he had ridden a horse in a race only open to Canadian breds, and won. Mrs. Birchall told me that Mr. Birchall told her that Benwell, when identified by him, was dressed in different clothing than what he went away



Pickthall.

in. She also told me that the place around Pine Pond was infested with tramps, and no doubt they had stripped him and replaced the ones he was found in, and that a lady living there had saved her life more than once with a gun she had constantly in her home. Birchall told me he had been out on several occasions for the last six or eight years, and mentioned to me on board the steamer the

place called Pine Pond, near his place of business, and said that it was a delightful place for a picnic, and they would drive four-in-hand when summer came around, and also mentioned about a place called Drumbo. He said it was looked upon as the most awful place in America, and related to me a conversation that he had heard between a drunken man on a train and the conductor. The conductor having asked the man where he was going, the man said to him—'Well, and the conductor replied, 'Well, I will put you off at Drumbo.'

The evidence taken at Niagara was gone over again at Princeton, and many new witnesses brought forth many new facts, and the jury after being locked up with the coroner for half an hour brought in the following verdict:

'The jurors of our sovereign lady the Queen, empanelled by Dr. McLay on the 21st February, 1890, to inquire into the cause of the death of the young man found dead in the bush near Princeton, commonly called Hersee's swamp, lot 22, concession 2, Blenheim, whose name now appears to be Frederick Cornwallis Benwell, do on their oath present that the said Frederick Cornwallis Benwell came to his death by two pistol shots fired into his head from behind, one at or near the nape of the neck and the other a little behind and above the left ear, either of which was sufficient to cause death; and your jurors have reason to believe, and do believe, that the said shots were fired by the hand of Reginald Birchall, alias Somerset, with deliberate purpose and wilfully and feloniously to commit murder, on or about the 17th day of February, 1890; and we are of opinion that Florence Birchall, wife of the said Reginald Birchall, was accessory to the murder after the fact.'

A. MCLAY, M.D., coroner.

ROBT. RUTHEFFORD, foreman.

## CHAPTER IX.

## IN PRISON AND ON TRIAL.

In his cell in the basement of the courthouse, Rex Birchall was very pleasant and jovial. He informed an officer that he sent letters from Welland jail to his sister, Miss Maud Birchall, Rainhall, near Liverpool; to his brother, Rev. Oswald Birchall, Lechlade, Gloucestershire, England; and J. F. Lynch, 49 Cleveland-square, Hyde Park, London; and that his father was the Rev. Joseph Birchall, rector of Church and rural-dean, and had died during 1878.

To a newspaper man who asked after his health he said:

‘Well, I have been first-rate, thank you. They have used me very well, and I have found some very good friends up at Welland. Several Church of England clergymen called on me, and we had social chats, and it helped to pass the time very agreeably. I hardly thought such a notorious character as I have been made to appear would find any friends, but it seems so. You see I am attracting considerable attention. In court to-day I felt as if every eye was on me. Even the ladies seemed interested—they are not so heartless as men, you know—(with a laugh).—I have just been arranging to take some articles of clothing with me to Woodstock. Tell Murray to get my hold-all with the straps on it, you know; and tell him they only sent me over one sock. I had my few things done up in a paper parcel, and the paper burst, and the hold-all will be just the thing. Good-night, old man, there is no use in being down-hearted, you know. One minute a man is on the top of the heap, and the public

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idolize him; the next they will trample him under their feet and not give him the slightest show. But it's the way of the world. Good-night.'



WOODSTOCK JAIL.

Next morning, March 13th, he was taken to Woodstock. The night before the authorities had neglected to furnish him with a mattress, and he had to sleep on a bench with his handsome overcoat as a pillow. Very naturally his clothing looked seedy and full of wrinkles. He was bright and cheerful, and laughed over the mistake in not furnishing him with something better than a board to sleep on. He had no time to get breakfast, as the train



was due to leave at 7.45. He left the court-house unnoticed. He was heavily handcuffed, and wore brown kid gloves on his hands to protect them from the cold and the chafing of the wristlets.

At the station Rex and Detective Murray had sandwiches, boarded the train, and reached Woodstock at 10.32, where a large crowd assembled to see the man who, a short time ago, had played such a brilliant rôle in Woodstock.

When he arrived at the jail he shook hands with Turnkey Forbes, whom he had known well under different circumstances a year ago. Indeed he shook hands with every one in the jail he met. He talked freely and frequently, and examined the names in the jail register with considerable interest. He walked cheerily and quickly to his cell and bade the detective, the reporters, and others good-bye with the air rather of a man who was going on a wedding tour than of a man going into close confinement. When his dinner, consisting of some potatoes, a piece of bread and some scraps of meat was brought in to him he looked at it with a peculiar smile, and said, 'Lay it aside, and I'll inspect it after a while.' He made application to the Sheriff to have his meals brought in to him, saying that he had plenty of money to meet all expenses.

He was taken into the gaol yard in the afternoon for an airing. While there one of the prisoners, a lunatic, approached him very cautiously, and, after some preliminary remarks, plumped the question, "Did you shoot the man?" Birchall laughed, but said nothing.

The prisoner's cell, at the west end of the west wing of the gaol, was well lighted, but did not command an extensive prospect. About the only furniture in it was a small table, on which lay a couple of books, one of them a Bible. Another cell, opening into the corridor which leads to the first one was to be his sleeping chamber. The mention of the fact that he would have

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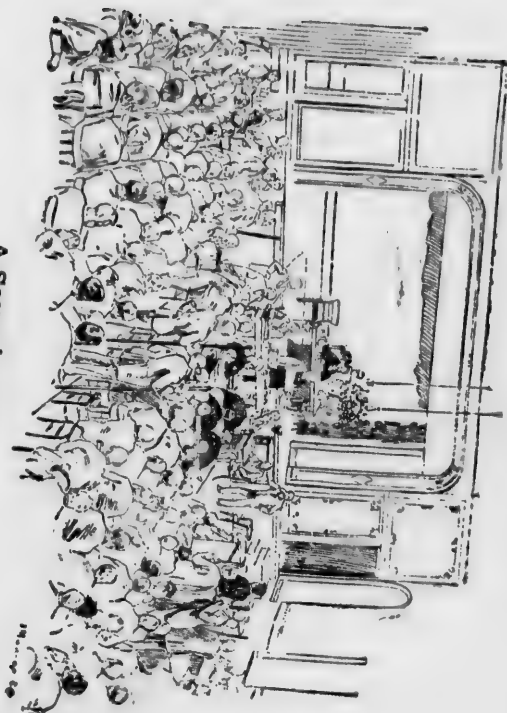
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A Scene in Court.



another cell to sleep in provoked a smile and a joke about a suite of rooms. When he was about to be left alone he took Detective Murray's extended hand and grasped it warmly.

'I'll do anything I can for you outside of this case,' said Mr. Murray.

'Thank you, thank you,' replied the prisoner.

'Of course you understand my business,' said Mr. Murray.

'Of course. That's all right, thank you.'

And so from March 13th to Sept. 22nd Rex Birchall remained in Oxford gaol, visited by his wife and sister-in-law, and by his father-in-law, Mr. Stevenson, during his brief visit to Canada to comfort his daughter; also by friends, and all the while preserving the same easy, cheerful spirit, full of life and good humor, never complaining, never showing anxiety. Kind and generous to his fellow prisoners, sprightly towards the officials, affectionate towards dumb brutes, he showed himself in his dreary prison life. He ate and slept well, read and wrote and sketched and maintained throughout a self-control and composure wonderful in a man awaiting trial for his life.

On Monday morning, Sept. 22nd, at eleven o'clock, the great Benwell murder trial began in the Woodstock town hall, which was used as a court room, the new Court House not being completed. Mr. Justice MacMahon took his seat upon the stage at the south end of the hall. On the right of His Lordship sat County Judge Finkle, and to the left and in rear of his 'bench' were a dozen or so ladies. Immediately in front of the stage, on a raised platform one foot high, sat the officers of the court and the Crown lawyers. First in importance was B. B. Osler, Q.C., the senior Crown officer. Beside him sat Mr. J. R. Cartwright, Q.C., Deputy Attorney-General of Ontario, while across the table was Mr. F. R. Ball, Q.C., Crown Attorney for Oxford. Detective John Murray sat at the

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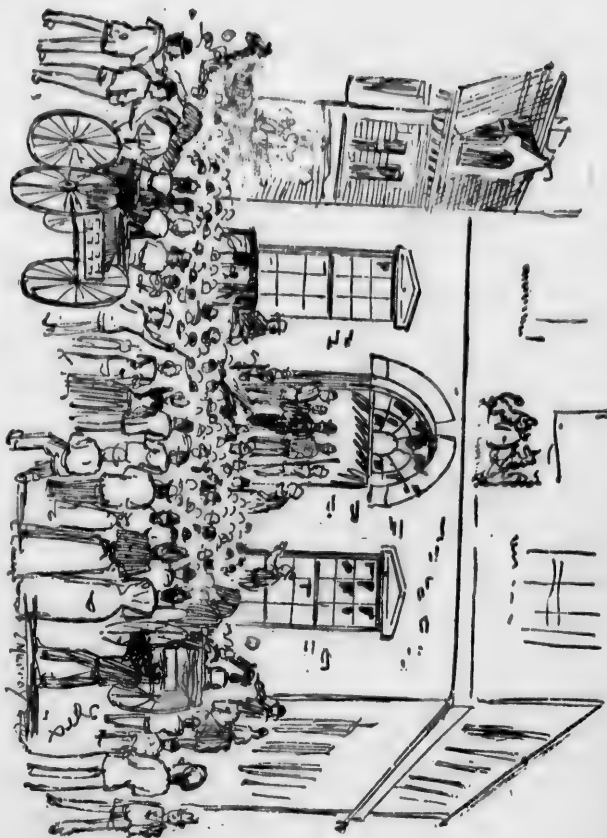


table with the Crown lawyers. At still another table, two feet away, sat the lawyers for the defence—Mr. G. T. Blackstock, Q.C., Mr. Isadore F. Hellmuth, London, and Mr. G. S. McKay of the firm of Finkle, McKay & McMullen of Woodstock. To the west of the Crown officers' table was the jury box. The prisoner occupied an extemporized 'dock' quite handy to Mr. Blackstock's chair.

At 10.46 exactly Birchall was brought into court by Deputy Sheriff Perry and Chief of Police Young of Niagara Falls, the prisoner having been driven over from the jail, three blocks away, in a covered cab. Birchall walked briskly up the centre aisle, and was as briskly pushed into the 'dock' by the officers, which was immediately surrounded by half-a-dozen tipstiffs. His face, somewhat pale, was freshly and cleanly shaven, and his black mustache looked as though it had been carefully attended to behind the prison bars. The prisoner certainly did not look depressed or dejected, and he exhibited the same coolness he had shown ever since his arrest. He was neatly dressed, his clothes being carefully brushed. He wore a short black box coat, black vest and black trousers. His linen was spotless, and around his stand-up collar was a black bow-knot tie.

The jury selected and sworn in, the prisoner arraigned and the indictment read, the plea of 'not guilty' uttered firmly, and then the case for the crown was opened by Mr. Osler, who gave a masterly résumé of the evidence to be advanced, and the theories of the crown which were to be substantiated by witnesses.

The crown witnesses numbered 70, 66 of whom testified; the first three being Wm. McDonald, of farm-pupil fame; Douglas Pelley and Mr. Chas. Benwell, the brother of the murdered man, who had come from England in the place of his father, Col. Benwell, who was ill. This witness identified the clothing found on the body, as having belonged to his brother, and also the pencil found in

Birchall's possession after the murder, and engraved, 'Conny, Sept. 15, 1869.' The great legal battle was over the medical testimony, the defence striving to prove from the state of the body that it could not have lain so long as from Monday to Friday in the swamp and present the appearance that it did when found. On this point doctors disagreed as usual, and each had eminent authorities to back their opinions up. The weather on the days that the body was exposed formed also an important point, and a large number of witnesses were called to testify to that alone. The cross-examination of witnesses seeking to prove the identity of the murdered man and the prisoner on the way from Niagara to the swamp of Death, and of the prisoner on the return journey, was very severe, and in some cases resulted in weakening the evidence, and in others arousing sympathy for the witness.

Following are extracts from the evidence given by a few of the more important crown witnesses:

WILLIAM McDONALD was the first witness called. He stated that he was a retired farmer, living in Woodstock. He first knew the prisoner in November, 1888, when he came out from the agency of Ford, Rathbun & Co., emigration agents, as a farm pupil. Mr. McDonald placed him with a farmer named Wilcox, he thought, in Derham Township, but the prisoner stayed only one night there. He came to Woodstock with his wife, and stated he had not come to Canada to work on a farm. He lived at witness' house for a few weeks, and then went to board with Mrs. Mackay. The prisoner remained in Woodstock four or five months, but entered upon no particular business.

MR. BLACKSTOCK took the witness, and under his questions Mr. McDonald stated that he had been employed for three years in the farm pupil business, getting a commission from the Agency for the pupils he placed. He denied emphatically that he had got anything from the farmers. He had continued this business until about

four months ago, when it ceased. His last letter about that time was not answered. He gave the names of pupils he had placed, one of them being F. A. Somerset. He remembered Dudley and Graham, but did not know where they were now. Dudley had gone to Pickthall's as a pupil, but did not remain. Witness had gone to Princeton to see the body of Benwell, because he saw in the papers that it was an Englishman, and thought he might be able to identify him. He was at Niagara Falls on other business when the inquest was on and was called upon to give evidence. He explained how he was standing on the station platform when he was introduced to Chief Young as one who knew Birchall. He had never seen Young before. They did not talk over what evidence he would give. When asked what they talked about, a laugh followed, when he answered that they talked about how pretty the falls were, and so on.

Q.—Did Birchall ever write a letter to Ford, Rathbun & Co. ? A.—I believe he did.

Q.—Did you tell him that you did not think that he ought to have done that ? A.—I do not know what you are after, but I did not like the letter.

Q.—The reason why you did not like this letter is that having written you thought he treated you unjustly, is it not ?

A.—No.

Q.—Perhaps it was because you thought he treated you justly you did not like it ?

A.—Perhaps.

Witness continued in answer to Mr. Blackstock, 'Ford, Rathbun & Co. wrote, calling upon me for an explanation, and that is how I came to know what the letter contained.'

MR. BLACKSTOCK—The charge against you was that you were swindling those farm pupils ?

WITNESS—Yes.

MR. BLACKSTOCK—That is the charge that you say was justly made to this question ?



The witness returned no answer, but he stated that he never had any other unpleasantness, or at least nothing of any account.



Mr. Osler (For the Crown) Addressing the Jury.

Q.—Did you ever make a proposition to Mr Birchall to join in the farm pupil business?

A.—No, I never did.

Q.—Never talked about it?

A.—No. Witness went on to say that Mr. Birchall lived for a couple of weeks in his house, that he put him on a farm, that he got his commission for doing so, that the farmer did not get his because Birchall did not stop there, that Mr. Wilcox was the name of the farmer, that the commission was not paid because he had lent Birchall money on several occasions, but could not say how much. Sometimes he lent him \$15, sometimes \$10 and sometimes \$20. Birchall paid it back all but the last \$30, which he never got. Birchall came in October, 1888, and stayed until the next spring, February, he thought, but was not certain. During that time Birchall and his wife lived in lodgings and had no business and went about like other people who had no business. Witness went on to say that he had told the story about Birchall to Young. The reason he went to Niagara Falls was to see a man named Dudley, who was over at the Falls on the American side. Dudley had run away from Detroit. He robbed a man up there, and witness went up there thinking to have him arrested. Witness had never been to the Falls before.

This concluded the cross-examination and Mr. Osler rose to further question the witness. Mr. McDonald said: My brother-in-law is turnkey at the gaol, and I acted for him during his illness. I never got a cent in these transactions except my commission.

In Pelley's evidence he gave very little additional information to what has been brought out in the course of our story. After telling how he had been lured to this country and about Benwell going away with Birchall and not returning he said: 'The next thing I knew as to Benwell was that Birchall told me that he had got a telegram from Benwell ordering the heavy baggage shipped to the Fifth Avenue Hotel, New York. He went to Buffalo and got the information on Thursday, Feb. 27th. I asked Birchall how Benwell was getting along

without any kit, and he said he could get what he wanted from the bonded boxes. He said he would forward the baggage by express next day, and had notified Benwell to that effect. He went out twice without me and said he was with another man on the other side of the river, looking for a stable. On Friday, the 28th February, Birchall went out in the morning and came back after a time, threw me a letter from home, and while I was reading it he came down and told me he saw by the paper that a cigar case had been found near the dead body of a man found in the swamp, bearing the name of F. C. Benwell. It was finally decided that we should go at once to see if it was Benwell's body. He suggested that I go to New York and he and his wife to Paris. I went to the Fifth Avenue Hotel and inquired, but could find no trace of Benwell. It was arranged that we should telegraph the result of our visits. I did so, but received no despatch from Birchall. On Friday, the 29th, Birchall said to me, 'Do you know Benwell has got my pistol?' I said, 'Why, did you give it to him?' He said, 'No, he took it.' When I got back from New York I was told that Birchall had returned, that the body was identified as that of Benwell, and that the detectives were watching the prisoner and his wife. I went to Princeton subsequently and saw the body and clothes.

Q.—Whose were they?

A.—Benwell's. I don't recollect the overcoat he wore. The other clothes were the ones he was in the habit of wearing.

To Mr. Blackstock Pelley acknowledged that he disliked Benwell and that he avoided him. He was somewhat affected by something Mrs. Birchall had said which placed Benwell in a rather unfavorable light. The entire ground of Pelley's original evidence was carefully gone over.

Charles Benwell, brother of the deceased, was the next witness. He told of his brother's travels and the preliminaries to his coming to Canada. It was an affecting

scene when Mr. Osler handed the witness deceased's pencil case which was found in Birchall's possession.

Q.—Now have you ever seen this gold pencil case and penholder before?

There was moisture in the witness' eyes as he answered, 'Yes—oh yes, very often. I remember,' he went on, 'that he used to carry this pencil case pen (showing it apart from the rest of the piece) in his pocket. This was given to my brother on his birthday by a lady friend of his. This name, 'Connie,' was his pet name, the name by which we knew him in the family. It was a short name for Cornwallis.'

He recognised the waterproof as one bought to be sent out to his brother while in New Zealand, but which was not sent. His father wore it. He also recognised other articles shown him as having belonged to deceased.

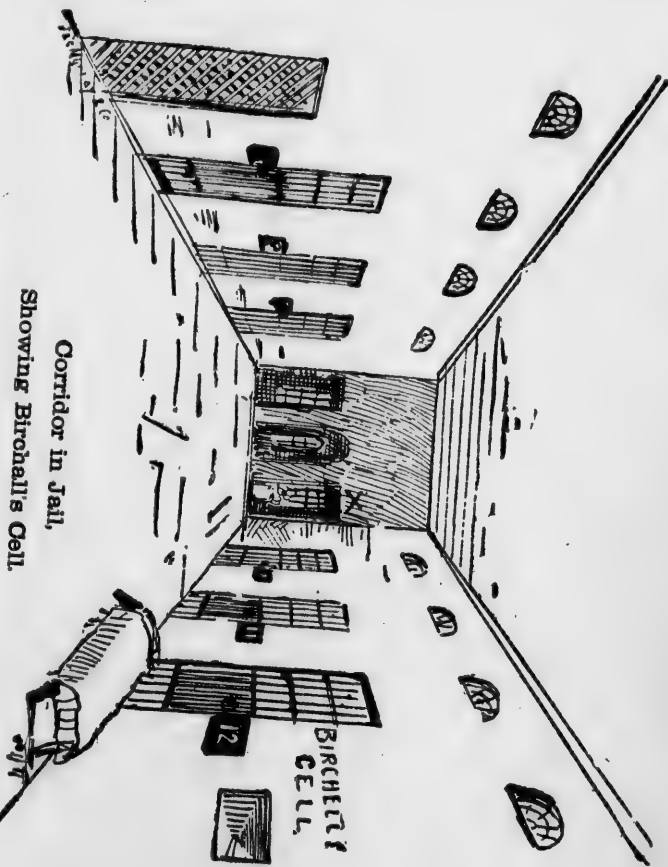
On Thursday the morning session was devoted to hearing the doctors who made the post mortem examination, and their theories as to how long the body of Benwell had lain in the swamp before it was discovered about 11 o'clock on the morning of Friday, February 21st. The drift of the crown in connection with the examination of the doctors was quite apparent. They wished to prove that:

Benwell, being murdered on Monday, Feb. 17th, lay in the swamp until the following Friday.

During Monday night there was a heavy sleet storm, followed on other days up to Friday with more sleet, rain, snow and cold weather.

The right arm of the body was so elevated when found that the sleeve of the mackintosh was filled with ice, which subsequently became so solidified that it took nearly 1½ hours to remove it.

That if the body were not in the swamp on Monday night, during the aforesaid storm of sleet, that the coat-sleeve would not have been filled with the frozen sleet found therein.



Therefore, that Benwell was really murdered during the Monday in question.

DR. TAYLOR was the first witness. He told about visiting the swamp on the day on which the body was found, Feb. 21. He saw the body next morning again. The face and hands were dark-coloured. After being thawed out the colour of the face was more natural. Witness thought the body had been in the swamp perhaps four days, possibly a little more. He described the discovery of the bullet wounds, one on the left side behind the ear, with inverted edges, and the other immediately behind the head. On the left side, too, were found about forty grains of powder imbedded in the ear and side of the face. The hair above the wound was singed.

MR. OSLER placed the waterproof worn by Benwell on a constable and turned up the collar, exposing the bullet hole in the cloth. Witness said one of the wounds in the head corresponded in position to the spot which the hole in the coat-collar reached in the constable's head. The bruises on Benwell's body were caused either immediately before or within two hours after death, and might have been produced by a fall, a pinch, or a blow. A body standing upright and falling upon an uneven surface would be likely to produce the marks. An attempt was made, but unsuccessfully, to shake the doctor's testimony with respect to the sleet storm of Feb. 17th.

DR. A. B. WELFORD, a young physician of Woodstock, was also examined at length as to the post mortem. It came out in his testimony that the right sleeve of Benwell's waterproof and undercoat were filled with sleet, frozen so solid that it was impossible to separate the clothing from the flesh, even after the body had been in the undertaker's room thawing out several hours. The doctor next spoke of the discolorations on the groin of the deceased, and testified that inasmuch as inflammatory action had not set in, this discoloration could not have

taken place more than  $1\frac{1}{2}$  hours before death; it might have occurred between the period represented by  $1\frac{1}{2}$  hours prior to and  $2\frac{1}{2}$  hours after death. The man had been dead at least 48 hours.

To MR. BLACKSTOCK witness stated that he went to Princeton with Miss Pickthall, who desired to see the body, thinking it might be that of her brother, Neville H. Pickthall, who was missing at the time.

DR. CHARLES R. STAPLES, of Princeton, who assisted at the post mortem, corroborated the other medical men. From the condition of the stomach, witness did not think Benwell had eaten anything for six hours before his death.

JOHN GREGG, sexton of Princeton cemetery, described the burial of Benwell and the subsequent exhumations of the body. He said that when Birchall visited the grave he was not there more than five minutes, and appeared to be nervous and uneasy. He did not see him display any emotion.

GEORGE A. ORCHARD, reeve of Stamford and warden of Welland, his county, and Robert Thomas, assessor of Stamford, were called to prove that no person named Birchall or Somerset had owned a farm in the vicinity of Niagara Falls.

Then followed evidence as to the telegrams that Birchall had sent to himself from Niagara and Buffalo, and Fred Pearce, teller in the Bank of Niagara, at Niagara Falls, N.Y., was called to prove that on Feb. 24th last an account was opened at the bank by the prisoner in the name of J. R. Birchall. The amount of the account was, according to deposit slip produced, \$152. Witness asked Birchall his occupation and he replied that he was buying horses for the English government.

PROF. WOLVERSTON, of Woodstock Baptist College, Dominion meteorological observer for the district, was called to prove the character of the weather during the week of the murder. The blotter bearing the original record of



observation signs, with the translation thereof, was produced. The records proved that at 8 o'clock on the evening of Feb. 17th, the rain commenced to fall, and it rained without cessation until the next morning. There was a pretty heavy storm, 34-10.0ths, or nearly one-half of an inch, being the fall. It gradually became colder, with frost on Tuesday, the 18th, and at 9:30 on the evening of Wednesday, the 19th, rain and sleet fell. At 5 o'clock on the morning of Thursday, the 20th, snow began to fall and the register shows that it was drifting. It was also gusty with drifting snow on Friday morning, the 21st, the date of the discovery of the body.

MR. HERSEE was called and described Pine Pond and Mud Lake to the jury and said Birchall had told him that he knew the locality, that he had been through there 'sporting' about four years previously. He did not know who owned the land on which Mud Lake was located, but had heard some one say his brother did. Witness described a number of little lakes similar to Mud Lake in the locality.

To Mr. Blackstock witness said that ladies generally accompanied Birchall on his trips. Witness offered Birchall \$100 if he would sell his farm to some of his English friends. Mr. Hersee said he thought there were a couple of boats at Pine Pond when Somerset was there, and when one of them disappeared witness had remarked that he thought an Indian had stolen it and taken it to Mud Lake.

JOSEPH PIGGOTT, a farmer of Blenheim, knew prisoner in 1888-9 as Lord Somerset. He had seen him in May, 1889, driving toward Pine Pond, which is  $1\frac{1}{2}$  miles distant from the place where the body was found. In Oct., 1889, a fire occurred in the swamp, which burned down the timber and blocked the trail to Mud Lake. The roots of the saplings were burned through to the extent of an acre, starting fifty feet from the second concession road, and the first wind blew all the saplings down. The

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track leading to the spot where the body was found was part of the old trail, and it was near here where the fire first blocked the trail.

JAMES ELLIS, also a yeoman of Blenheim, testified that during the hunting season in the winter of 1888-9 he saw prisoner, whom he knew as Lord Somerset, in the Swamp of Death. There was another young Englishman a little further in the swamp. He described the trail as an old sleigh-path, but lately used by hunters to reach Mud Lake. No difficulty was experienced by witness in reaching Mud Lake by this trail in June last.



Conductor Poole.

The lady witnesses were listened to attentively. Miss Lockhart, an intelligent-looking woman was a strong crown witness. She identified Birchall and 'another man' on the Grand Trunk accommodation going west on Feb. 17th. She subsequently identified the body of Benwell in the Princeton cemetery as that of one of the men whom she had seen on the train.

MISS ELIZABETH CHOATE, who resides near Ingersoll, was a passenger on conductor Poole's train on the morning

of Feb. 17, journeying from Brantford to Ingersoll, where the train arrived shortly after 12 o'clock. This was her description of the two men she says: *Both medium size; one man was dressed in an ordinary coat, and wore black astrachan cap similar to that produced. He sat next to the window on the south side of the train. The man sat with his back to me. His cap fell off once, and he turned round, and this was the only glance I caught of his face.*

Q.—Looking at the prisoner, how far does he correspond with the man you saw?—A. His face looked thinner then than now, judging from the profile I saw.

Witness then described the clothing of the other man. He wore a stiff brown hat and cape-coat similar to hat and coat produced. Witness thought the man who was with prisoner wore glasses while reading a paper. She heard one of the men say: 'They offered me five hundred dollars.' His companion answered him, but she didn't catch the words. She also heard one of them saying: 'He might become accustomed to it,' and the other (the prisoner) said they might be late reaching some place that night. These were snatches of the conversation between the two men which witness heard. The men alighted from the train before it reached Woodstock, but witness did not know at what point.

There was a ripple of expectation throughout the crowded court room when the name of Miss Ellen Fallon was called. This lady was dressed in deep black with a black straw hat. Miss Fallon was, as far as known, the last person, except his murderer, who saw Benwell alive. Miss Fallon lives with her mother in a small house 288 feet from the second concession and just about 300 yards west of the entrance to the swamp. She testified that the house was only a short distance from the swamp, and the nearest to the swamp except a small hut occupied by Mr. Stroker. She remembered Feb. 17 from the Dake house ball at Princeton that night. She was seated at the window knitting when she saw two men passing

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east along the road. The first gentleman wore a cape overcoat and was a short distance ahead of the other man. They were walking on the right hand or south side of the road, and in front of witness' house crossed over to the north. It was after dinner, she thought about one o'clock. The house was about 290 feet from the road and the window at which she was sitting was in the east side. She would have to look in a southerly direction to see the spot where she observed the two men. The rail fence and some bushes obstructed the view a little.

MISS ALICE SMITH is small of stature and was dressed in black. Miss Smith testified that on Feb. 17th last she was living with her grandfather, George Haywood, at Eastwood, but was now living with Mr. Zybach, at Niagara Falls. She knew the prisoner, as he had come to her grandfather's place several times. The first time prisoner came there he was with witness' uncle and aunt and Mr. Dudley. He called several times afterwards with Mrs. Somerset and Dudley. Witness used to speak to him when he came, and she knew him quite well. He went by the name of Somerset and Lord Somerset.

Q.—Did you see the prisoner on Feb. 17? A.—Yes, sir. Prisoner came up to me and shook hands and said: 'How do you do?' He laughed and said: 'Don't you know me?' I thought it was Somerset, but said: 'Is it Somerset or Dudley?' and he said 'Somerset.' Prisoner then told me that he had been in the North-west on business with some horses and was going to Hamilton for his baggage and he would return and see the 'governor' (meaning my grandfather, whom he used to call governor). Prisoner had a cigar in his fingers, but it was unlit. I accompanied the prisoner into the station, where he bought a ticket for Hamilton, and then walked out on the platform with me. I saw Ida Cromwell, Mary Swazie, Harry Jones, Stationmaster Dunn and James Haywood at the station. I went to the station to mail a let-

ter. After mailing it I went to Mr. Haywood's store and left  $4\frac{1}{2}$  dozen eggs there.

MR. BLACKSTOCK: Where are you living now, Miss Smith, and who with? A.—At Niagara Falls with Mr. Zybach, photographer.



Miss Alice Smith in the Witness Box.

Q.—When did you go there? A.—Last May.

Q.—And do you live in Zybach's house? A.—Yes.

Q.—Who else lives there? A.—Miss Tucker.

Q.—Zybach is separated from his wife, is he not, and you and Miss Tucker live there with him? A.—Yes, sir.

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Q.—You say you are 17 past? How long past? A.—I am not 18 yet.

Witness said that she had talked a good deal about the case. She denied that Dudley was a particular friend of hers.

Q.—Was Dudley never with you alone? A.—No, he was not.

Q.—But he used to pay a good deal of attention to you?

HIS LORDSHIP: Unless there is something very important in the question I don't think it should be asked.

The crowd showed a disposition to applaud, but the slight stamping was quickly suppressed. Mr. Blackstock then repeated the question and witness answered 'No.'

Q.—This statement of yours with respect to the baggage and North-west story has never been mentioned before. How does that happen?—Silence.

Q.—Now, I ask you this question: Have you not spoken to Dudley in Woodstock and Eastwood? A.—I have bade him good day and knew him well.

Q.—Now, then, there is not the slightest resemblance between Dudley and the prisoner, is there? A.—No.

Q.—And yet, when you met prisoner you said, 'Are you Somerset or Dudley?' That will do.

To Mr. Osler Miss Smith explained that she was staying at Zylbach's with the consent of her betrothed husband, Night Policeman Blount, of Niagara.

HIS LORDSHIP:—There cannot be anything improper in a young woman going to Toronto, or Niagara Falls, or elsewhere, to secure honest employment.

The crown occupied four full days in putting in its evidence, the defence, in less than a day and a half got through its list of 23 witnesses, and on Monday morning Mr. Blackstock arose to give his address.

Throughout the trial Birchall had taken an interest in the proceedings more like that of a spectator than one vitally concerned, had shown no emotion, but in the dock sketched, wrote notes, and watched the witnesses, the jury and the crowd.

-Yes.

e not, and  
-Yes, sir.

Birchall had not slept so well the night before the completion of his trial. His keen judgment told him that against the array of evidence against him, his defence was but as a barricade of sand. He was grave and thoughtful, and his smile came less readily to his lips, but still he was far from unnerved or broken in spirit.

When Mr. Blackstock rose to address the jury the court room was as still as death. There was not a sound, there was not a stir. As the tall form and the intellectual face of that eloquent pleader rose before and scrutinized each jurymen in turn, a cold chill passed over the great audience, and all awaited eagerly the utterances of the man who had undertaken the arduous task of trying to restore to the prisoner his liberty. The eyes of Mrs. Birchall as well as those of her husband were riveted upon the speaker, but as he uttered the first sentence they both turned and looked straight at the jury. The prisoner sat in the dock with his legs crossed and his head leaning against the railing, and although he seemed to take a keen interest in every word that fell from Mr. Blackstock's lips and every change in the features of the jurymen, the lack of emotion in his countenance was most wonderful. As the counsel went on in his strong eloquence, pausing here to indulge in bitter sarcasm at the expense of some of the agents of the Crown, now again in caustic invective, and the next moment striking a note that played upon the very heart-strings of his listeners, the effect was thrilling indeed. Although every person knew that he had a hard battle to fight, to an acute observer it was evident that he was fighting it bravely and making the best of a most difficult case. He admitted that his client might have in some instances acted fraudulently, that his word on some occasions had not been reliable, but he argued that the prisoner at the bar was innocent of the charge of murder which had been laid at his door.



Mrs. Birchall's sister sat about five feet from Mr. Blackstock and caught every word. So living an interest did she take in the proceedings that the blood would rush in hot torrents to her head, and a moment later leave her



Mr. Blackstock (Counsel for the Defence), Addressing the Jury.

face lifelessly pale. Mrs. Birchall retained the same sal-low color throughout, the only apparent emotional part of her face being the eyes, which seemed to penetrate their object with a look from the depths of her soul.

After Mr. Blackstock had traversed and examined link by link the whole chain of evidence, and was about to conclude his powerful appeal, in a marvellously energetic strain of eloquence he referred to the love that burned in the soul of Mrs. Birchall for the prisoner in the dock. Should the jury before him, he said, send the prisoner, an innocent man, to the gallows and time turn back the curtain revealing his innocence, what would be the result? The wife of the 'murdered man' would cry out to them in pathetic tones for the deliverance of her husband, but it would be too late.

Mrs. Birchall's eyes dropped and a subdued sob shook her frame, while the tears coursed down the burning cheeks of her sister profusely. The prisoner in the dock looked blankly out of the window above the heads of the jury, but a second later his lips trembled and the eyes filled with tears. Many women wept, while men, young and old, surreptitiously used their handkerchiefs.

It was after 3 o'clock when Mr. Blackstock sat down, after speaking for five hours and fifteen minutes.

After recess Mr. Osler gave his skilful address, calmly, dispassionately laying before the jury the case against the prisoner, the facts brought out by evidence. Then came the judge's charge, a full, clear sifting of the testimony, earnest, forcible and plain, and in its very simplicity telling strongly against the prisoner.

The following are extracts from his address:

Judge McMahon, after defining the meaning of circumstantial evidence by a number of striking illustrations, and reviewing the evidence as to the identification of the prisoner by those who were unacquainted with him, proceeded as follows:

Now we come to a very important point in connection with the identification of the prisoner, because we come

amongst people who knew, or say they knew, him while he lived in Woodstock as Lord Somerset, and the first witness is Alice Smith. Now, she gives a description of the man. She says she knew him because he used to come there with her uncle and aunt from Woodstock, and in company with Dudley. On the occasion when he came into the station yard at Eastwood he shook hands with her. She did not recognize him then, and she asked whether it was Dudley or Somerset. Now, the prisoner's counsel alleges to you, and fairly enough, that Alice Smith knew Dudley because he was a visitor at the house as well as the prisoner. But there is no pretence that Dudley was there that morning, and the question comes back to this, Who was the person conversing with Alice Smith on that occasion? She gives you a description of him, showing that his trousers were rolled up, that his boots were muddy, and she tells you the kind of cap he wore. She says that in conversation with her he spoke of going to Hamilton to get his baggage, and that he was dealing in horses in the Northwest, and that he was coming up to see the governor, the name by which he usually designated her grandfather. She says she was in the station and saw him buy a ticket for Hamilton. Was it the prisoner who was seen there that day, and did he buy a ticket for Hamilton? Miss Cromwell says she saw the prisoner talking to Alice Smith on the platform.

She recognized him, and saw his trousers rolled up, and gives you what she considers a description of his clothes. She says she was in the station, and saw him buy a ticket for Hamilton, and it is very important in connection with Hay's evidence, to remember what these two witnesses state if they are telling the truth. There is the evidence of James Hayward, who was there, and tells you about the day, he having a draft for a note maturing that day to pay to Mr. Dunn, the station master. He saw the prisoner talking to Alice Smith, and he saw

Miss Cromwell there, and James and Mary Swayzie. You have the evidence of James and Mary Swayzie as to identification. So, you see, there were five people at the station on that day, and it is for you to say whether they are telling that which they knew to be untrue or whether they are totally mistaken in their identification of the prisoner. A great deal depends upon the identification there, because if he was there on that afternoon does it not strengthen the evidence of every other witness that he went there with a second person in the morning?

Hay, the brakeman on the afternoon train, knew two persons, one Dudley and one Somerset, though he could not say which was which, but the person he saw on the train that day was the prisoner at the bar. He says also the man had a ticket for Hamilton. Then he tells you that he got out at Hamilton and purchased a ticket for Niagara Falls, and that he saw this ticket afterwards in the possession of the prisoner.

Duffy was the news agent; he did not see the prisoner get on at Eastwood, but thinks he just noticed him at Goble's or Princeton, or between these two. He says the prisoner purchased a novel of him, and that he afterwards bought some cigars and oranges. Subsequently about the station below Hamilton the prisoner gave him a cigar, which he smoked in the train. He had a conversation with the prisoner, who stated that his name was Smith and he was going to Buffalo to meet a brother. Then we have Mr. Phemister. He tells you the train arrived at 7.24, fourteen minutes late, and twenty minutes after this the prisoner telegraphed under that assumed name, 'Bastell,' to Buffalo that he would be there, that they would have to remain there over night. If you decide that the prisoner was the man who came by the Falls that morning, that he is the man who got off at Eastwood, that he was the man seen going along the concession lines towards the swamp, and that he was the man who came back in the afternoon and got on the train in Eastwood,

the case against the prisoner presents a very serious aspect indeed, because Benwell was in his charge and under his direction, and he started out with him that morning, a stranger, who had never been in this country, and under the circumstances, if you believe them, Birchall is accountable.

When the prisoner got to Buffalo he was asked what had become of Benwell and he told how the man was dissatisfied with the farm, the farm was in such a fearful condition from having been put in the hands of a tenant; that it was not fit to take his wife and Pelley to, and that Benwell was disgusted and would not stay there with Macdonald, who was represented to be on the farm, that he had given Benwell the names of certain persons who he could see in the west. You remember there was no farm, no manager, and therefore the statements he made in regard to what he had been doing were pure fabrications, having no foundation whatever in fact. Of course, they may be fabrications and still the prisoner not guilty of murder, unless you find that he took the journey which it is said he did take. It is, you remember, when they come to the Falls the next day, on the Tuesday, when Benwell's baggage was taken out of the custom house, and before it passed the customs it had to be opened. The prisoner had possession of the keys of Benwell's baggage, possession was taken of the luggage by him upon removing to his lodgings, and it is important to bear this in mind. On the 19th of the month this box in the postoffice, No. 313, was rented from the postmaster. Now, what was the prisoner doing with that box? There was no farm and no business apparently. On the following day he wrote Col. Benwell a letter, which has been read and commented upon, making certain statements in regard to the position of affairs, which it is important that you should bear away with you to the jury-room. This letter does not bear any date, but it bears the stamp of the Niagara Falls postoffice on the 20th of the month,

which would be the day that Benwell's baggage had been taken from the customs. He told him that an examination had been made by his son of the books of the concern, and that he was satisfied with them; that articles of agreement had been drawn up between the son and himself as to the interest he should have; that he had consulted a solicitor in London in order to satisfy himself that he would be secure in partnership that was being entered into; that the sale was to take place in a very few days and that the son was to be interested in that sale, if the partnership was carried out, and Col. Benwell was to send a draft. He tells him how it is to be sent, in the name of Birchall and Benwell.

If this was a partnership and the money was sent to the partners, and deposited in the bank, either partner could draw that money out of it, just the same as any partnership where the moneys are deposited in the bank, and, unless there is a special agreement known to the banker that only one of the partners shall draw cheques on that account, any member of the firm can draw a cheque and what funds are in the bank to the credit of the firm, and that member is entitled to have the firm's cheque honored on the bank in which the funds are deposited, so that if it were the case that Col. Benwell should send the draft, as asked for, and if it got there, prisoner could draw the money. I tell you that as a matter of law. Now, what was the idea of that letter being sent there? What was the object in sending it? You can only gather the objects from the terms of the letter itself and from the circumstances surrounding the case. It speaks of a farm—it speaks of another piece of property that he had spoken of to Col. Benwell as being acquired for the partnership concern, and he says in this letter that his son will write him likely by that mail, or something to that effect. Now, what was his object in writing that when there was no firm? How could the son write in respect to a firm transaction when

there was no firm, and in respect of a business that was non-existent? It could not be done, so that what was said in the letter in regard to the son's writing about the business, the prisoner must have known that it was utterly impossible for the son—unless he intended to defraud his father for the benefit of the prisoner—to have written any such letter at all. That is what is put before you, and the suggestion is made that you should draw an inference, and you can do so. When he speaks of the bad writing, and when he says that he usually writes by the typewriter, you can draw an inference that a letter would be sent to Col. Benwell written with a typewriter, and with the letter so written he would be able to carry out his fraud. That is the way the Crown regards this, and it is for you to draw your inference from the facts as they strike you. With the facts, gentlemen of the jury, I have nothing to do. My comments are upon the evidence as it appears before you. With those comments I conclude my task. My duty, in addition to that, is only to put before you the law. The facts are for you, you are to find upon them.

## CHAPTER X.

### FOUND GUILTY, AND CONDEMNED TO DIE.

The court-room was cleared and left to the jury at ten o'clock, Rex Birchall being led back to his cell heavily ironed.

To judge and counsel that waiting for the verdict was horrible, but to the prisoner what must it have been! He had almost, but not quite, given up hope—there was still a chance. The strain of suspense was fearful, but



worse still was the shock when the sheriff came to summon the prisoner back to the court-room to learn his fate.

At 11.30 the door of the court-room was thrown open and an excited mob made a rush to get inside. The hall was crowded to the doors, and when Birchall walked firmly down the aisle, every face in the hall had upon it a look of intense anxiety.

Through nervousness it took the constable some minutes to remove the handcuffs, but the prisoner sat there patiently, though his face was terrible to look upon. His eyes had a wild, dazed, strained appearance, though aside from this he strove to suppress all signs of the excitement that racked his system.

His counsel, Mr. Blackstock, was not present, he had been taken ill immediately after the jury retired. The judge on the bench was paler than usual and in a state of almost nervous prostration. He had hardly expected a verdict so soon, and every word he spoke was in husky tones. It was a painful duty he had to perform, and it was evident that he was deeply moved.

When the prisoner had been unhandcuffed and order restored, the clerk of the court rose and asked the foreman of the jury if they had decided upon a verdict, and the answer was 'We have.'

'What is your finding?'

'We find the prisoner, Birchall, guilty.'

Each juryman was requested to rise and separately asked by his Lordship whether he found the prisoner at the bar guilty or not guilty, and the answer, given in a clear, confident tone, was in the affirmative.

Mr. Osler—I move for the sentence of the court.

There was an awful silence, during which every eye was fixed upon the prisoner, who, whatever emotions may have been raging in his breast, kept now a clear eye and a calm face.

The judge in solemn tones asked the prisoner, 'What have you to say, John Reginald Birchall, why the sentence of the court should not be passed upon you for the felony of murder of which you have been convicted.'

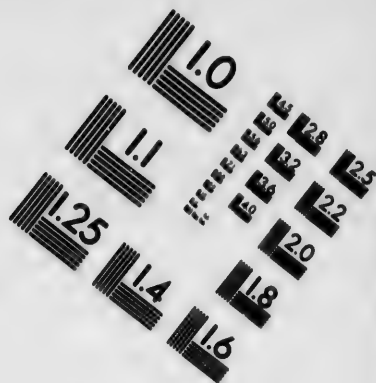
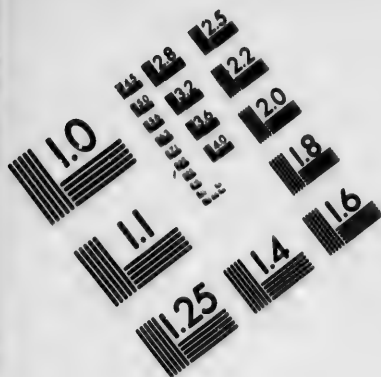
The answer came in clear tones with the dignity surrounding a man who is under the awful shadow of death, 'Simply that I am not guilty of the crime, my Lord.'

The silence, deep as it was before, became oppressive beyond measure.

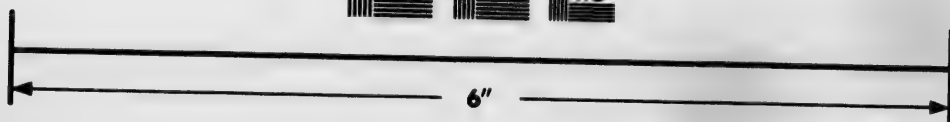
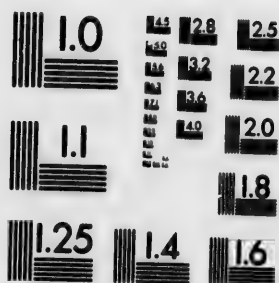
His Lordship in a grave and solemn voice then addressed him:

'It is part of a solemn and painful duty cast upon me to pass upon you the sentence of the court for the felony of which you have been convicted. I can only say I fully concur in the verdict which has been returned by the jury on the indictment against you. You have been defended with great ability and there has been no point connected with the defence that has not been fully brought before the jury and pressed upon them with all the fervor and all the ability that human nature could command, and while I say that I may add also that the inevitable conclusion that has been reached in the mind not only of the jury, but of almost every one who has listened to the trial was that you conceived and premeditated and carried out the murder of a young man who had been entrusted to you by an aged father as the heir of his patronage. It was your duty and your bounden duty, to have looked after and protected him. Notwithstanding that, without any compunction on your part, you prepared to take his life and reap the miserable reward that you thought was to be obtained by asking the price of blood money which you would get by the draft that was to come from England and the property which you immediately took possession of. It is melancholy to think that a young man with the education you possess with opportunities which no doubt you must have had





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to further your own material interests, should so far have forgotten himself as to pursue the course which you have pursued and should have prepared to dip your hand into the blood of a fellow-man. It is melancholy to think that within such a short period after you became a married man and became connected with an estimable and respectable family you should have brought this trouble and disgrace upon them. I can hold out to you no hope whatever of any commutation of the sentence I am about to pronounce. There is, I may say to you, but a short time in which you can be permitted to live, and I earnestly implore you to take advantage of every hour that remains to make your peace by supplicating the throne of Heavenly grace for forgiveness of the offences committed by you in the flesh.

'The sentence of the court upon you is that you be taken hence to the place from whence you came, and that between the hour of eight o'clock in the morning and six o'clock in the afternoon on Friday, the 14th day of November next, you be taken to the place of execution, within the walls of the gaol, and that you then be hanged by the neck until your body be dead, and may the Lord have mercy upon your soul.'

Birchall stood erect in the dock while the terrible sentence was being passed upon him, but with downcast eyes, only once daring to look at his Lordship.

When the judge had concluded, the prisoner sat down. A glance showed that his legs and hands were uncontrollable and twitching nervously. All present looked with pitying eyes at the unfortunate young man as he sat there with a dazed, hunted look.

The prisoner's counsel and some of the reporters came up and shook hands with him, and he responded in a feeble sort of way.

He was handcuffed and led back to his cell, and once he was heard to say just before entering the jail:

'This is a nice how-d'ye-do!'

## CHAPTER XI.

## AND LAST.

All through Rex Birchall's trial, there had been one man in the court-room from start to finish; one man whose patience seemed exhaustless, who stood for hours waiting for the door to open, and with quiet persistency always managed to get where his eyes, obscured by blue spectacles, could look straight at the prisoner. He wore a full beard and a full wig of curly auburn hair, and though his appearance was rather odd, his demeanor was quiet in the extreme.

He looked and listened up till the very last, till Rex Birchall was led away sentenced to die, and then turning away he said, in a tone that was deadly in its quiet malevolence:

'I would like to stay and see you hanged, Rex Birchall, but time presses. Your lucky star has waned, mine is still shining.'

The earliest train next morning carried away from Woodstock a tall, slender young man with an olive complexion and soft, dark eyes, a man strikingly handsome, and who was known to the reader some time ago as Philip Dudley, of Oxford.

He got off at the Falls, on the New York side, and at the Post-office General Delivery inquired for letters. Two or three letters seemed to have been waiting for him, and a newspaper, but glancing indifferently at the writing he slipped them into his pocket and went on to a hotel, and, entering the dining-room, sat down and gave an order for a substantial meal.

Then, as he waited, he opened the paper and began absently to look up and down its columns. Presently a



name caught his eye, a name that for years had never been absent from his thoughts, 'Marion Somerset.'

The notice was among the deaths and was as follows :

'Died.—At The Elms, near Oxford (suddenly), on September 15, Marion, only daughter of the late Jarvis Somerset, aged 23.'

'Dead ! Dead ! My Marion ! and on Benwell's birthday !' he said, vaguely. 'Benwell's birthday ! She died of a broken heart.'

He got up from the table carrying the paper open in his hand and, wandering in a dazed way, he walked along the street and crossed a bridge and following the roadway went on, hardly conscious of where he went. Many carriages with gay parties passed him. Vans, some full, some empty, rattled by, but Dudley took no notice. Following the intricacies of the roadway round the state reservation, he paused once or twice where views of the cataract were possible, and then continued along the beaten track. At the first bridge leading to the Three Sister Islands he leaned upon the railing for a long, long time gazing with a sort of hunger in his look at the turbulent waters—just a step, one step, and he could rescue him, nothing could save ! A carriage driving up disturbed him, and he walked on to the farther island, and there under a tree upon a large boulder sat down and watched the swirling, struggling waters.

It seemed very quiet, even though the rush of the waters was maddening, and voices seemed to be whispering, whispering he hardly knew what. But presently, from the far distance, as it seemed, he heard real voices, human voices, and turning he saw, quite close to him, a man and woman, lovers, evidently, who stood, oblivious of his presence, admiring the view.

'Oh, Brian,' a soft voice said, 'if I could but know for sure of Walter's fate ! Do you not think for sweet pity's sake Mr. Birchall would tell if he knew ? Why should he mind, now that the law has done its worst to him ?'

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'Emma, my dear wife, I do not think he knows. I am his champion now, though but for him we would have been spared those years of misery, those years when we were parted. I think if he were anything, it was but the catspaw. Dudley, I think, was the baser man.'

Philip Dudley started to his feet and came toward them. He looked calm, but a red gleam of madness dulled his eyes.

'You do me honor, Charteris,' he said, mockingly. 'I, at least, would not commit so clumsy a crime as Birchall is convicted of. He was too fond of hearing his own voice to make a really finished murderer. It needs care, and skill and *silence*. But he is lucky. He will not have any of the trouble of deciding how to die! And he has some one to love him and regret him. He has the comfort of a woman's love! And I, I have nothing. Look, the woman whom I loved is dead!'

He handed them the paper and turned away and sat down as before.

Then, when Emma Charteris came to him to try to comfort him, she would have put her hand upon his shoulder but he shrank from her.

'Don't touch me,' he said; 'I killed her!'

'What brought you here?' asked Brian, looking gravely at the wild, haggard face of the man who seemed to have lost his reason.

'She sent me, Marion Somerset, to know if really it was Rex Birchall that had killed her lover (Benwell was her lover, did you know?) or if it was the old story of mistaken identity and it was her brother, the real Somerset, who had done the deed. I did not know it would kill her,' he whispered, 'but when I came and saw and knew, I lied to her—I told her it was not Birchall who lay in jail, but Reggie Somerset.'

A mirthless laugh broke from his lips, and he went on droningly.

'It was that that killed her. She loved her brother, but she loved Benwell more, and together it has broken her heart. She was failing when I left her; she was growing weak and pale, but I did not know she would die. She was the only thing I ever loved!'

They tried to coax him away, but he would not leave, and so, perforce, they had to leave him.

That night, when in their room talking of Philip Dudley, of the old days when they first met, and of the jealousy that had so nearly parted them, jealousy that now they were married was no longer possible, a note was brought addressed to the Hon. Brian Charteris.

It was signed and read simply:

'Walter Clifford rests in peace, one of Niagara's unknown dead. Seek no more for him—he was but one of many Somerset, too, will no more return; he will ever be among the missing, as I shall be.'

That was all.

Whether Dudley's threat meant self-destruction or simply disappearance from their ken they knew not. He had paid his bill and left the hotel apparently quite rational, Brian discovered, and he sought to learn no more.

When Niagara gives up her dead, many a mystery will be unfolded.

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Benwell's Grave at Princeton.



One of Birchall's Sketches.

## ADDENDA.

# THE BENWELL MURDER.

We are indebted to the *Toronto News* of the 14th Nov., 1890, for the following review of the circumstances of this remarkable case:—

Of the guilt of the man who was hanged this morning in Woodstock jail, for the murder of Fred. C. Benwell in Blenheim swamp, on the afternoon of February 17 last, and of the perfect justice of the sentence of death, there cannot be the slightest doubt. The terrible crime was discussed in all its phases, the fullest light was shed upon all the circumstances, the prisoner had every opportunity to make any explanation he may have wished, he had working in his behalf as able legal talent as can be found in the Dominion, every possible argument and plea which could be presented in his favour was urged with all the ability that human nature could command, and every possible effort was made to obtain a reprieve, and failing that, a commutation of the sentence. But all this failed to throw the slightest doubt upon the transparent guilt of the accused, and no argument advanced could induce the Minister of Justice and his fellow Ministers to interfere with the sentence of the court.

It seems almost unnecessary to review the case, all the circumstances are so well known and so fresh in the memory of the people. The evidence adduced by the

Crown in the four days which it occupied in the presenting its case was circumstantial, but it was a chain so complete as to be perfect and incontrovertible by the defence, and, as was pointed out by Mr. Justice MacMahon, circumstantial evidence is the very best kind which can be offered. Striking at the root of the matter, the Crown began with laying bare the conspiracy which Birchall hatched to induce farm pupils to come to Canada. It shewed by Pelly's evidence that he intended from the very start to swindle any young men whom he might lure into his net. Then it traced the negotiations with Colonel Benwell which resulted in his son being entrusted to the "kind" and "affectionate" care of the rascally swindler. The party was traced across the Atlantic to New York, and thence to Buffalo. All the way over the ocean and up till the moment Birchall and his victim left the hotel at Buffalo, scores of little points were brought to show the swindling nature of the whole scheme. Step by step, by witnesses whose stories held together and could not be shaken, the two men were traced from Niagara Falls to Eastwood station, where they were seen to alight. Thence they were followed along the country road where they were seen by several witnesses; across the fields, where they were seen by more, and where their tracks were left and remarked upon by three witnesses. These tracks were traced to where they entered the portion of the swamp south of the 2nd concession line which cuts through the dense forest, and the trail was again taken up at the point on this road where the men were seen at about the time they emerged from the woods. They were followed eastward along the road till they were last seen by Miss Fallon within half a mile of the place where the body was found. Miss Fallon, it will be remembered, was looking from a window in her mother's house, which stands back a few yards from the road, and watched the two men walk along till they were hidden from her view by a clump of bushes on the road-



side. This clump of bushes is the beginning of the swamp.

Just here is a point which was not brought out at the trial, and which clinches indisputably the tracing of the two men to the neighbourhood of the swamp. Miss Fallon swore at the trial that she remarked to her mother that the two men were going to Dake's ball, but she did not say that she recognised one of them, nor was she asked if she did. She simply described their appearance, but if the crown had pressed her a strong point would have been brought out. Miss Fallon had known Birchall during his former residence in Woodstock. She was a dining-room girl in one of the hotels, and on many occasions had waited on him at the table. She instantly recognised him as he walked down the road with Benwell and mentioned the fact to her mother, but as she was not asked the question at the trial she said nothing.

The Crown then traced Birchall back to Eastwood, where he was recognised by several persons, and talked for several minutes with a young lady whom he had known on his previous visit. He was traced back to the Falls and to Buffalo. His subsequent movements, his possession of the dead man's baggage, his failure to account for the manner of his receiving the checks for the trunks, and his contradictory stories to Pelly of the reason why he had parted with Benwell, were all presented with force. Several telegrams were produced which Birchall had sent to himself to throw Pelly off the scent and to lead him to suppose that Benwell had gone back to New York. The climax was reached in the letter written to Colonel Benwell several days after the murder, in which Birchall stated that young Benwell was satisfied, and asking that the money be sent out.

The defence had practically nothing to offer. Birchall told his lawyers so many different stories that they were almost on the point of throwing up the case.

The line adopted by his council was chiefly to break down the Crown's theory, but though some of the witnesses were slightly rattled, the general effect of the testimony was unchanged, and the Crown's case was not broken at a single point. Evidence was put in to show the unreliability of identification, and how easy it is to make mistakes in identifying strangers.

Some stress was laid upon two sets of tracks which entered the swamp at one point, led up to where the body was found, circled round and came out at the spot where they entered. Another point strongly urged was the testimony given by two physicians, Dr. Mearns, of Woodstock, and Dr. Richardson, of Toronto, who gave it as their opinion that the bruises on the body of the dead man were inflicted several hours before death, in which case the Crown's theory, that Benwell was shot about noon just where the body was found, would fall to the ground. Evidence was produced to show that no trail ever existed into Mud Lake at this point. This was done to contradict the Crown's theory that Birchall knew of a trail and proposed to take his victim into the swamp, shoot him down and cast his body into the lake.

A number of witnesses were called to prove that soon after midnight on the morning of the 20th, three days after the murder, two men named Caldwell and Baker were driving about the country, and it was sought to impress the jury with the idea that these men might have had something to do with the murder. In cross-examining the Crown witnesses who had seen and handled the body the counsel for defence tried to make it appear that the condition of the clothes and shirt front were such as to show that the body had not been in the swamp as long as the Crown claimed.

From start to finish the case for the defence was lamentably weak and the jury could do nothing else than return a verdict of guilty.

## THE EXECUTION.

On the morning of Friday, the 14th Nov., 1890. at twenty-nine minutes after eight, the sentence of death pronounced upon Reginald Birchall by Judge MacMahon. for the murder of Frederick C. Benwell in the Swamp of Death, in Blenheim township, was executed in the presence of about two hundred spectators. The execution was very impressive, and was carried out thoroughly in every detail.

Ever since the day of his arrest the prisoner exhibited a nerve that is the wonder of everyone. Not once did he falter during the period when he was first undergoing examination, not a tremor did he show during the long and painful trial; and when word was received from the Minister of Justice that all hope was at an end he was cheerful and composed, and he met his fate with a smile and without the faintest trace of emotion. The spectacle of a man in the interval between his trial and execution sitting down calmly to write a history of his life is unique and impressive, and stamps Reginald Birchall as a man who, if he was cowardly enough to shoot F. C. Benwell in the back, as the Crown proved to the satisfaction of twelve of his peers, he was certainly brave enough to face death in its most humiliating form unflinchingly. Throughout the trial and final days people maintained that he would break down. Those who saw him and spoke to him knew better. He was not an ordinary man. He was a bundle of paradoxes, and never did anything like other men.

## THE NIGHT BEFORE THE EXECUTION.

A short time after Mrs. Birchall was admitted into Birchall's cell, Rev. Dean Wade was ushered in. He spent the remainder of the night with the prisoner.

The parting between husband and wife was very touching. As Mrs. Birchall was being led out on the kindly arm of Mr. Arthur Leetham, she burst into a terrible fit of weeping and moaning aloud, and would insist upon returning and having a last look at her husband through the door. Birchall stood at the door, gazing long and lovingly down upon her, and, as she turned back, waved his hand and said, 'Good-bye, Flo. Don't take it too hard. God bless you.' Rev. Dean Wade remained with him in conversation until about four o'clock, when the prisoner expressed a strong desire to see Turnkey Forbes. Mr. Forbes went to his cell, and Mr. Wade retired for a short time. The prisoner had quite a chat with Forbes, who was very much affected, and left some orders for him, as one of his trustees, to be carried out. When the interview was going on Birchall appeared at the cell door and called to Sergt. Midgley, the night guard, with whom he was very intimate, and told him that he was going to bequeath to him a sword, which will be sent from England, and a gold pencil for Mr. Midgley's son Fred.

Birchall ordered a light luncheon at midnight, but as his wife was then with him he did not eat anything. At six o'clock in the morning the cook, Mr. Whitehead, brought the prisoner his breakfast, 'Good morning,' said Birchall with a forced smile. The meal consisted of three poached eggs, some toast, some blackberry preserves, and a cup of coffee. He ate the eggs and some toast, but he did not touch the preserves. At seven o'clock the barber arrived and shaved the prisoner. His friends were then admitted to bid him farewell.

#### A SHIVERING CROWD.

Out in the gaol yard in the cool frosty morning half a hundred reporters moved restlessly about, some dreading the approaching ordeal and others eagerly waiting to flash the news across two continents, and conclude their work

on the most sensational assignment for which they were ever detailed. Twice as many ordinary spectators, drawn thither principally from a morbid feeling of curiosity, wandered aimlessly about the yard, with pale faces and nervous movement, dreading what was to come, and yet anxious to witness what they would naturally term a vindication of the majesty of the law. Few were there whose hearts were not beating fast as the time approached for the execution, and none were there whose nerves were not strung to their utmost. It may have been the cold that made the whole concourse shiver, and start nervously every time the gaol yard door was opened, but the change of colour in the faces and the long-drawn breaths seemed to indicate that the nerves had more to do with the tremors than the cold thin air and the white frost that withered the grass on which the doomed man was wont to tread during the past four weeks. In a corner of the yard loomed up the awful machine of death, and, as Birchall yesterday remarked, it was indeed a crude-looking affair, a machine such as science would never suggest for the sacrifice of life, and one that a person might easily imagine would have been used when a scaffold was first introduced. But it did its work well.

## THE SCAFFOLD.

The scaffold was fixed with cross-pieces against the north-west corner of the gaol building in the gloomiest corner of a gloomy yard—and appeared to be as simple in contrivance as an ordinary swing. This spot the sun seldom reached, and, as a consequence, the earth showed up dark and damp, the absence of grass, which grew abundantly elsewhere, suggesting that preparations for the grave had already been commenced. The ground was uneven, and the night's frost, already melting under the heat of the day, rendered a foothold insecure and walking unpleasant. Twenty yards to the west of the

scaffold two operators of the Commercial Cable Co. stood leaning against the wall with instruments in hand, ready to wire to England the moment the drop fell, while inside the building operators of the Great North-Western sat with fingers on keys ready to tell the continent how Birchall died. Half a dozen constables, armed with long poles, formed a cordon round the scaffold, and in smothered words, so that they might not reach the ears of the victim, ordered the crowd backwards until there was an uninterrupted space for the use of the solemn procession so shortly expected. Birchall must have been well liked during his confinement, because constables and guards, with years of experience and hardened by constant intercourse with criminals, moved softly in and out of the corridor with heads bent and tear-stained cheeks, and none of them lost an opportunity to say a favourable word for the doomed felon. In the strength of their sympathy they forgot the Dismal Swamp and the cold, dead body of Fred. Benwell, in whose brain was imbedded the bullets of the man who voluntarily sacrificed his soul to his greed for gold. And it seemed well that the prisoner was able to draw from the hearts of these long-experienced representatives of the law a little of the milk of human kindness, because in his agonizing distress he sorely needed all the sympathy, all the affection, and all the tenderness and care that could be shown him. He was on the brink of eternity with the guilt of an awful crime upon his soul, and those who wept and prayed for him showed but a natural instinct to succour a fellow-being in sore distress. The executioner, after seeing that the scaffold was in readiness for its victim, Radcliffe quietly proceeded to the main corridor, where he informed Gaoler Cameron that he was prepared to execute his commission. The executioner has by no means the appearance of a callous ruffian, but he evidently believes that his mission is that of a public executioner. Coolly and deliberately he explained what steps he intended to take, and when

at last the signal was given he slipped noiselessly up the winding stairs and stood quietly in the corridor, to await the conclusion of a prayer that was then being offered up by Rural Dean Wade.

## THE SUMMONS.

While he was waiting, Deputy Sheriff Perry, Dr. Chamberlain, the new prison inspector, and ex-chief of police Stewart, of Hamilton, entered the cell, and the inspector beckoned to the prisoner.

'Birchall,' he asked, 'do you intend to say anything on the scaffold; if so an opportunity will be given you to speak?'

'No,' replied the prisoner. 'I have said in my autobiography in *THE MAIL* all that I have to say, and will have nothing to tell on the scaffold.'

Rev. Mr. Wade, who had spent the whole night with the prisoner, arose and touching Birchall on the shoulder invited him to the door. The prisoner turned with a smile to his spiritual adviser, and after taking a couple of steps forward turned, and walking quickly backwards, betrayed a slight feeling of emotion as he grasped the hand of his old college chum and trustee, Mr. Leetham, and bending his head quickly kissed him on the cheek. The action was so rapidly executed and so unlooked-for that Mr. Leetham for a moment stared dumbly at the prisoner, and then grasping him by the hand shook it warmly, the tears in quick succession coursing down his cheeks. Recovering as quickly as he had been affected, Birchall turned and with a steady and unsupported step walked to the door. By the expression in his eyes and by the ghastly pallor in his face it was clear that he knew what awaited him in the corridor, but he never faltered for a moment, walking with even steps through the iron-bound entrance into the corridor. He paused a moment as he reached the threshold, and then, turning silently to



his executioner, he bowed his head and dumbly held out his hands. Radclive quietly slipped behind him, and grasping both elbows drew them sharply back. In another instant the leathern strap was passed over the doomed man's arms, and he was secured in such a manner that he could freely move his arms from his elbows down, but above those the limbs were powerless.

## BIRCHALL'S COOLNESS.

While this work was in progress Birchall betrayed no emotion except that of curiosity. He leaned backward, and turning his head sideways, watched the hangman's nimble fingers with a curious expression on his face. As the hangman moved so moved the prisoner's head from side to side, watching each movement over his right and his left shoulder intently, as if he was desirous of mastering the secret of the executioner's work. His large full eyes, with pupils somewhat dilated, followed every move, and when Radclive straightened up he wheeled round and cast a mute and appealing glance to his old-time chum.

'Yes,' said the Deputy Sheriff, reading the glance. 'You can take his arm, Mr. Leetham, and remain with him to the end if you wish.'

'Yes,' said Birchall, 'take hold of my arm, old man, and walk with me as we used to do in the old days together.'

Rev. Mr. Wade, wearing his white surplice, led the way to the stairs, followed by Deputy Sheriff John Perry, and ex-Chief Stewart. the prisoner coming next, with Mr. Leetham on his right hand and the day guard, George Perry, on his left. Following the prisoner were Inspector Chamberlin, Gacler Cameron, and three constables, and last of all came the hangman, whose coolness was only exceeded by the prisoner's extraordinary composure. Down the winding stairs and into the western corridor

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the solemn procession moved through a line of terror-stricken prisoners, among whom was the man McCabe, who has been thrice tried for murder, and who twice narrowly escaped the death to which Birchall was so steadily marching.

'When the wicked man turneth away from his wickedness that he hath committed, and doeth that which is lawful and right, he shall save his soul alive.'

Clearly and distinctly the trembling words of the preacher fell upon the waiting crowd, and with one accord the spectators fell back to make way for those who came in sorrow and in mourning.

## THE SERVICE FOR THE DEAD.

While the preacher was reading the prayer Birchall appeared in the doorway, and his first glance was at the crowd that awaited him. Instead of features distorted with fear the spectators beheld a face on which lingered a slight smile; a face pale in its ghastliness, yet firm, with head well thrown back, and form as upright as a soldier on parade. One glance he threw over the yard, and then his eyes involuntarily turned to the northeast corner, where they rested upon the dread engine of death. The slight breeze that prevailed swayed the ropes, and the chain attached to the weight clanked noisily against the iron, as if greedy for its victim. The preacher read on, although at times his voice failed and the tears blinded his vision, until he arrived within twenty feet of the scaffold, when he stopped, and raising his arms pronounced a gentle benediction upon the assemblage.

'Man that is born of a woman hath but a short time to live.' The dean's voice failed him, and he leaned heavily against Gaoler Cameron for support. At this moment the appearance of the preacher and prisoner presented a singular contrast. The one, grey-haired, and feeble, mutely moving his arms, for his voice was gone,

and the other, with chest thrown forward and rigid form, taking in with his eyes every piece of the fatal trap to which he was so soon to be introduced. Gasping, sobbing, and half-shoked with the words he tried so hard to utter, the prisoner's spiritual adviser read the Collect, but when he commenced the Lord's Prayer his strength seemed to return and his voice grew firmer, although he faltered and turned his head away from the gallows as he concluded the pathetic appeal for mercy. Stepping forward, at a signal from the executioner, Birchall placed himself under the gallows, and then without a tremor looked upward as if desirous at the last moment to understand its peculiar mechanism. Twisting his head from side to side like a bird, he examined the pulley and the noose and the weight, and then bending slightly forward he whispered something to his guard. In response the Dean stepped forward, and Birchall, kissing him quietly on the lips, straightened up as if he had drawn strength from the consolation given him. Just as the executioner was pulling the black cap over the doomed man's head the latter half turned and asked of the man who was about to kill him:

'Do you mind shaking hands with me?'

'Certainly not,' replied Radcliffe, walking to the front. He put his hand in that of Birchall's, who gave it a hearty shake, saying, 'Well, good-bye, old fellow.'

Solemnly the sublime words of the Lord's Prayer rang out upon the keen and frosty air, the preacher's voice strengthening as he proceeded, but suddenly there was a deep hush, and almost in a whisper came the words 'Forgive us our trespasses.'

#### THE END OF ALL.

All eyes but those of the preacher were turned upon the scaffold, beside which stood the grim executioner with one arm upraised ready to send the felon's soul to

eternity. The prisoner stood close to the upright on the left with his face to the spectators, and rope drawn taut, and the knot close under the left ear. Close to his side stood Radelive, so close that he was prepared to support the prisoner if necessary, which it was not, and immediately in front were congregated those who were authorized to take part in the proceedings, the reporters and other spectators forming the segment of a circle on the outside.

'Deliver us from evil.' The soul of the speaker seemed to go out with the words, and as he uttered the final 'Amen' there was an awful stillness, and then a sharp, clicking sound. The executioner stepped quickly back and as the ponderous weight fell Birchall's body quickly shot sidewise and then up as if propelled from a spring-board. There was a rebound of several feet and then for the space of half a second the body remained rigid, but this condition was quickly followed by convulsive movements as if the man was making a desperate but unavailing attempt to breathe. His chest heaved and his legs were drawn up only to be relaxed again, and each muscular contraction grew weaker until at last the body swung limply to and fro, the face ever turning towards the spectators. The upward tendency of the rope raised the cap slightly exposing the lower part of the face, and to hide it the hangman grasped the legs and turned the face to the wall; but it swung back again and again until the last glimpse showed a partly veiled face with the head turned to one side and almost resting on the shoulder, the trunk still rigid but the limbs limp and motionless. At the last moment, and just as the cord was drawn by the hangman, there was a slight smile on the doomed man's face, and those who made the *post-mortem* found it lingering still on the dead and discolored countenance.